DOCUMENT RESUME

ED 300 657 CE 051 361

TITLE NLRB: The First 50 Years. The Story of the National Labor Relations Board 1935-1985.
INSTITUTION National Labor Relations Board, Washington, D.C.
PUB DATE Dec 85
NOTE 97p.
PUB TYPE Historical Materials (060)

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS Adults; Collective Bargaining; Employer Employee Relationship; *Federal Legislation; Labor Conditions; Labor Legislation; *Labor Relations; *Labor Standards; *Public Agencies; Quality of Working Life; *Unions
IDENTIFIERS *National Labor Relations Act; *National Labor Relations Board

ABSTRACT

The National Labor Relations Board (NLRB) is an independent federal agency created in 1935 by Congress to administer the National Labor Relations Act, the basic law governing relations between labor unions and business enterprises engaged in operations affecting interstate commerce. In its statutory assignment, the NLRB has two principal functions: (1) to determine and implement, through secret-ballot elections, the free democratic choice by employees as to whether or not they wish to be represented by a union in dealing with their employers, and, if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or unions or both. This book tells the NLRB's story, mostly with photographs, over its five decades. The book does not attempt to be a comprehensive history of either the NLRB or development of the law under the act. Rather, its purpose is to capture highlights of the agency's history and to serve as an album for the labor-management community on the act's 50th anniversary. The four chapters of the book cover the following: (1) "In Search of a National Labor Policy"; (2) "The Wagner Act Years, 1935-1947"; (3) "The Taft-Hartley Act Years, 1947-1959"; and (4) "Milestones: The 60s, 70s, and 80s." Messages from NLRB officials and lists of board members and general counsels are included. (KC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED300657

NLRB
THE FIRST 50 YEARS

The Story of the National Labor Relations Board 1935-1985

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

50th Anniversary

NLRB
THE FIRST 50 YEARS

The Story of the
National Labor Relations Board
1935-1985

Acknowledgements

William T. Little

Chairman Donald L. Dotson and General Counsel Rosemary M. Collyer, at whose request this 50th anniversary NLRB history has been created, wish to express their appreciation of the efforts of those who have contributed to the volume.

This commemorative publication is the result of efforts by the agency's 50th Anniversary Committee, whose members were: Joseph E. DeSio, Associate General Counsel; John E. Higgins, Jr., Deputy General Counsel; David B. Parker, Director of Information; Ernest Russell, Director of Administration; and John C. Truesdale, Executive Secretary. Editing, design and photographic research for the book were provided by Michele V. Ostrove, James P. Chaconas and Shirley L. Green, respectively.

William T. Little, Regional Director in Indianapolis, Ind., deserves special mention and thanks for his work on the manuscript. As the agency's senior employee with 46 years of service, his credentials are impeccable to tell the NLRB's story—he has lived it.

December, 1985

NATIONAL LABOR RELATIONS BOARD

Members of the Board

DONALD L. DOTSON, *Chairman*

PATRICIA DIAZ DENNIS
MARSHALL B. BABSON
WILFORD W. JOHANSEN
JAMES M. STEPHENS

Chief Counsels of Board Members

CHARLES M. WILLIAMSON
JONATHAN R. SCHEINBART
ROSEMARY PYE
MICHAEL J. FOGERTY
ELINOR HADLEY STILLMAN

JOHN C. TRUESDALE, *Executive Secretary*
HUGH L. REILLY, *Solicitor*
MELVIN J. WELLES, *Chief Administrative Law Judge*
DAVID B. PARKER, *Director of Information*

Office of the General Counsel

ROSEMARY M. COLLYER, *General Counsel*
JOHN E. HIGGINS, JR., *Deputy General Counsel*

JOSEPH E. DeSIO
Associate General Counsel
Division of Operations Management

HAROLD J. DATZ
Associate General Counsel
Division of Advice

ROBERT E. ALLEN
Associate General Counsel
Division of Enforcement Litigation

ERNEST RUSSELL
Director
Division of Administration

PHOTO CREDITS

All photographs in this book were obtained from the Library of Congress except for the following:

AFL-CIO News
48-1;63-1,2;64-2

AP/Wide World Photos
11;12-1,2;14-1,2

Dwight D. Eisenhower Presidential Library
49-1

George Meany Memorial Archives
7-2;19-1;30-2;38-1;48-2;49-2;49-4;50-2;55-3;59-2;62-2;64-1

Gerald R. Ford Presidential Library
62-1

Gross (James A.) Collection, Ithaca, N.Y.
20-1;24-2,3

Harry S. Truman Presidential Library
33-2

Historical Society of Pennsylvania
25-2

National Archives
7-3,4;10-1;21-4;46-1

NLRB
ii;vi;vii;viii;21-1,2;23-1;28-2;29-4;30-3,4;31-2;35;36;41;43-1;45;47;49-3;54-2;57-1,2;59-1;61-2;65-2;67-3;80-1;81;82;83

Souza, Pete; The White House
v

Temple University Libraries, Photojournalism Collection
21-3;53;56-1,2

UPI/Bettman Newsphotos
20-2

U.S. Postal Service
60-3

Wall Street Journal
43-2

Wayne State University, The Archives of Labor and Urban Affairs
Cover;xii;8-1;39-2;44;58-2,3;61-1

Wheeling (W.Va.) Intelligencer
46-2

Wynn, Lance; Advertiser-Tribune (Tiffin, Ohio)
60-2

Message from the President

November 12, 1985

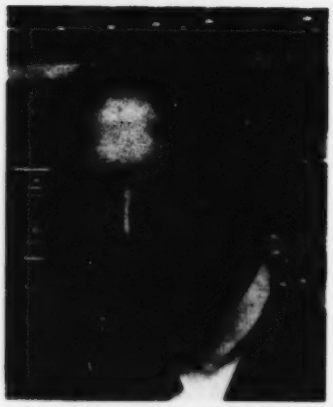
A free labor movement is essential to the preservation and expansion of free enterprise. Since its passage in 1935, the National Labor Relations Act has been a bulwark of support for this vital American heritage. A half century ago, this law established the right of workers to organize and bargain collectively, should they choose to do so. Our system of peaceful industrial relations and the national labor policy that has evolved from the Act rest on this principle of free choice.

The National Labor Relations Board is to be commended for its fairness in enforcing the statute over these past 50 years. I had firsthand experience with the Board during my tenure as president of the Screen Actors Guild many years ago, and I can attest to its outstanding record.

In conducting union representation elections and processing unfair labor practice charges, the NLRB has helped build a peaceful industrial relations system that is a model for the free world. The processes of the Board, as necessary today as they were 50 years ago, provide a forum and an orderly legal framework for resolving labor and management disputes. Truly, the NLRB has succeeded in fulfilling its mandate for America.

Ronald Reagan

Message from the Chairman and Board Members

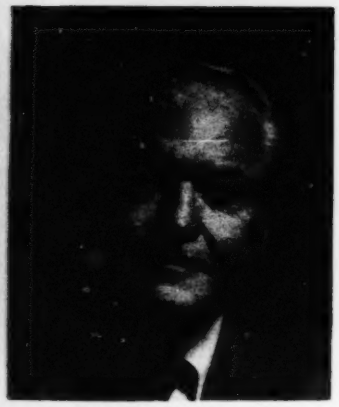


Donald L. Dotson, Chairman

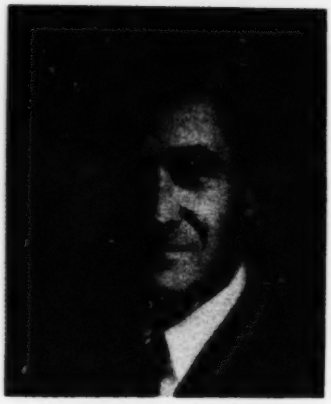
Patricia Diaz Dennis

For 50 years, the National Labor Relations Act has protected employees in making their workplace decisions about collective bargaining. The great and lasting significance of this statute—the nation's primary labor relations law—has been its role in developing a national labor policy and shaping our system of employee choice and collective bargaining.

In these 50 years, the National Labor Relations Board has conducted about 345,000 elections in which almost 33 million employees have exercised their right of self determination in the workplace; it has processed some 794,000 unfair labor charges and issued more than 46,000 decisions. As a result, mil-



Wilford W. Johansen



Marshall B. Babson

James M. Stephens

lions of American workers have enjoyed more fully the fruits of their labor with increased job security, more equitable pay and improved pensions and other benefits.

Throughout its entire history, the NLRB has fostered peaceful industrial relations through law. We are proud to be a part of this achievement and proud to contribute our share to the NLRB's outstanding record. Pausing at the Board's mid-century mark, we offer this book in commemoration of the great strides that have been made and look to the future of American labor with confidence.

Message from the General Counsel

Rosemary M. Collyer,
General Counsel

Born in a period of extreme economic disruption, the National Labor Relations Act brought the rule of law to American labor relations. It established a legal framework for labor relations that for 50 years has fostered industrial peace and has been a key factor in our country's immense economic growth.

More importantly, the Act has enriched our democracy by ensuring the right of self-determination in the workplace for employees. The success of this great experiment is the direct result of the commitment of the thousands of men and women who have been employed by the agency during these 50 years. Their dedication to the goals of the statute, as enacted and amended, has made those goals a reality for working men and women throughout this land.

It is a privilege to be part of this celebration of the past 50 years.

The National Labor Relations Board is an independent federal agency created in 1935 by Congress to administer the National Labor Relations Act, the basic law governing relations between labor unions and business enterprises engaged in operations affecting interstate commerce.

The statute guarantees the right of workers to organize and to bargain collectively with their employers or to refrain from all such activity. Generally applying to all interstate commerce—other than airlines, railroads and employees of governments—the Act implements the national labor policy of assuring free choice and encouraging collective bargaining as the best means of maintaining industrial peace.

Declared constitutional by the Supreme Court in 1937, the Act was amended substantially in 1947, 1959 and 1974, each amendment increasing the NLRB's statutory responsibilities.

The purpose of the Act is to serve the public interest by reducing interruptions in commerce caused by industrial strife. It seeks to do this by providing orderly processes for protecting and implementing the rights of employees, employers and unions in their relations with one another.

In its statutory assignment, the NLRB has two principal functions: (1) to determine and implement, through secret-ballot elections, the free democratic choice by employees as to whether or not they wish to be represented by a union in dealing with their employers, and, if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or unions or both.

The agency does not act on its own motion in either function. It processes only those charges of unfair labor practices and petitions for employee elections which are filed in the NLRB's 52 regional, subregional and resident offices.

The NLRB has no independent statutory power to enforce its decisions and orders. It may, however, seek enforcement in the U.S. courts of appeals; parties to its cases also may seek judicial review.

The Act's unfair labor practice provisions place certain restrictions on actions of employers and labor organizations in their relations with employees, as well as with each other. Its election provisions provide the authority for conducting and certifying results of representation elections, which determine collective bargaining wishes of employees.

NLRB authority is divided by law and by delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel, who, like each member of the Board, is appointed by the President with the advice and consent of the Senate, is responsible for the investigation and prosecution of unfair labor practice cases. The General Counsel exercises general supervision over the NLRB's network of field offices.

For the conduct of its formal hearings in unfair labor practice cases, the NLRB employs administrative law judges who hear and decide cases. Administrative law judges' decisions may be appealed to the Board by the filing of exceptions. If no exceptions are taken, the administrative law judges' orders become the Board's orders.

In a typical representation election case, the union files a petition with the regional office requesting that an election be held. The regional office investigates whether sufficient interest among the employees and other factors prerequisite to holding an election are present.

If the regional director believes an election is appropriate, attempts are made to secure agreement of the parties to the issues involved, including the appropriate unit and the time and place of the election. If an agreement cannot be reached, the regional director holds a hearing. On the basis of the hearing transcript, the regional director either dismisses the petition or directs an election. The regional director's decision can be appealed to the Board.

When unfair labor practice charges are filed in the NLRB field offices, investigations are conducted to determine whether there is reasonable cause to believe the Act has been violated. If the case is found not to have merit, the regional director dismisses the charge, or it is withdrawn by the charging party. If the charge has merit, the regional director seeks voluntary settlement or adjustment by the parties to the case to remedy the alleged violations. If settlement efforts fail, the case goes to hearing before an NLRB administrative law judge, and, lacking settlement at later stages, on to decision by the Board.

More than 90 percent of the unfair labor practice cases filed with the NLRB in the field offices are disposed of in a median of some 40 days without the necessity of formal litigation before the Board. Only about four percent of the cases go through to Board decision.

The NLRB's caseload has grown enormously over the years. The number of cases the public has filed with the Board reached a high of more than 57,000 in fiscal 1980, but has declined somewhat in subsequent years. At its 50th anniversary, the NLRB continues to make every effort to execute its case-handling responsibilities as expeditiously as possible.

The pages that follow tell the Board's story, mostly with photographs, over its five decades. This book does not attempt to be a comprehensive history of either the NLRB or development of the law under the Act. Rather, its purpose is to capture highlights of the agency's history and to serve as an album for the labor management community on the Act's 50th anniversary.

Contents

Acknowledgements ____ ii

NLRB Officials ____ iii

Message from President Reagan ____ v

Message from Chairman and Board Members ____ vi

Message from General Counsel ____ viii

Introduction ____ ix

Chapter I. In Search of a National Labor Policy ____ 1

Chapter II. The Wagner Act Years, 1935-1947 ____ 17

Chapter III. The Taft-Hartley Act Years, 1947-1959 ____ 35

Chapter IV. Milestones: The 60s, 70s, & 80s ____ 53

Charts ____ 70

Board Members (1935-1985) ____ 74

General Counsels (1935-1985) ____ 78

13

Election at Ford Motor Co. River Rouge plant, Dearborn, Mich., May 1941.

"Democracy cannot work unless it is honored in the factory as well as the polling booth; men cannot be truly free in body and in spirit unless their freedom extends into the places where they earn their daily bread."

Senator Robert F. Wagner in 1935,
upon offering his bill that was
to become the nation's basic labor law.

Chapter I IN SEARCH OF A NATIONAL LABOR POLICY

Wood engraving of matchmakers, 1871.

The NLRB arose from the depths of the Great Depression, but its roots and the problems it was created to solve go back to colonial times. In colonial America, journeymen workers formed guilds to protect their standards and ward off competition.

As the craft tradition gave way to the factory system, the guilds began organized efforts for better working conditions. These efforts often were met with fierce hostility by employers and the courts. Strikes by the emerging unions were considered criminal conspiracies punishable by fine and imprisonment.

In one of the first American labor relations cases, eight leaders of a strike by the Journeymen Boot and Shoemakers (cordwainers) of Philadelphia were indicted in 1806 for illegally conspiring to raise their wages. The mayor's court of Philadelphia found them guilty and fined them $8 each, more than a week's wages.

1.

New-York, May 11, 1774.

THE MECHANICKS of this city are requeſted to meet, this evening, at 7 o'clock, at the houſe of David Philipſe, in Horſe and Cart ſtreet, on buſineſs of the utmoſt importance.

2.

THE TRIAL

OF THE

BOOT & SHOEMAKERS

OF PHILADELPHIA

ON AN INDICTMENT

FOR A COMBINATION AND CONSPIRACY

TO RAISE THEIR WAGES.

TAKEN IN SHORT-HAND,
BY THOMAS LLOYD.

PHILADELPHIA:

PRINTED BY B. GRAVES, NO. 40, NORTH FOURTH-STREET,
FOR T. LLOYD, AND B. GRAVES.

1806.

3.

1. Mechanics' meeting notice, New York, May 1774.

2. Woodcut of shoemaker, 1807.

3. Notice of trial of Journeymen Boot and Shoemakers of Philadelphia, 1806.

By the 1840s, the criminal conspiracy doctrine gave way to a civil conspiracy doctrine in which the judiciary held that workers had a legal right to form unions provided they didn't strike or interfere with production.

In 1842, Lemuel Shaw, Chief Justice of the Massachusetts Supreme Court, refuted the criminal conspiracy doctrine, ruling that it was not illegal for workers to band together to improve their lot. The legality of unions, he held, depended on their purpose and the means by which the purpose was carried out. Nonetheless, the judiciary generally did not look favorably upon strikes and other concerted labor activity.

1.

Primrose Hill, July 11th. 1842.

Rules and regulations drawn up and agreed to by a committee chosen by a vote of the Miners and Laborers of the district of Minersville, to settle the dissatisfaction and difficulties existing between the operators and their workmen, and unanimously adopted by the people:

Resolved, That we as Miners do hereby agree, that we will not work by day wages under [illegible] per day and all contracts to be paid according to what we earn.

Resolved, That we as Labourers will not work under [illegible] per week.

Resolved further, That no man will work for any operator unless he receives [illegible] for twelve hours work.

Resolved, That each man, as soon as the operators have no further employment for, and they have discharged him, shall be entitled to three days notice, or three days wages in lieu thereof, and that the same may be paid immediately so that they may have an opportunity of seeking their work in a neighbouring town.

Resolved further, That a copy of these resolutions be printed as soon as possible and a copy to be sent to every Coal operator in the district.

MORGAN JONES, *Chairman.*

JAS. BEVES, *Sec'y.*

ISAAC JONES
DAVID EVELY
GEORGE EVANS
RICHARD HARRISON
JAMES EVANS
JOSEPH MORTON
CHRISTIAN ARCHER
CONRAD GODSHALK
COMMITTEE

2.

Working Men, Attention!!

It is your imperious duty to drop your *Hammers and Sledges!* one and all, to your post repair, *THIS AFTERNOON*, at *FIVE* o'clock P. M. and attend the

GREAT MEETING

called by the papers of this morning, to be held at the CITY HALL, there and there to co-operate with such as have the GREAT GOOD OF ALL THEIR *FELLOW CITIZENS* at Heart. Your liberty! yes, your *LABOUR!!* is the subject of the oath who that values the services of HEROES of the Revolution whose blood achieved our Independence as a Nation, will for a moment doubt he owes a few hours this afternoon to his wife and children?

HANCOCK.

3.

1. *Chief Justice Lemuel Shaw, Massachusetts Supreme Court.*
2. *Miners and Laborers Union broadside, 1842.*
3. *Organizing notice, New York City, 1837.*

BEST COPY AVAILABLE

Industrial Workforce

By the end of the Civil War, a new class of industrial workers had emerged as the factory system gradually replaced craft workshops. During the latter part of the 19th century, eight million immigrants from Europe joined the growing U.S. industrial workforce of unskilled and semi-skilled workers.

Meanwhile, labor's "elite," the skilled craftsmen, were being brought together to practice a direct form of labor relations. In the 1870s and 1880s, a cigar-maker named Samuel Gompers convened a number of craft unions to comprise the new American Federation of Labor (AFL). Concerned with immediate economic gains, the AFL's weapons were the strike and the boycott.

1

2

3

1. AFL President Samuel Gompers, 1904.

2. Homestake gold stamp mill, Terraville, S.D., 1888.

3. National Cash Register Co., 1902.

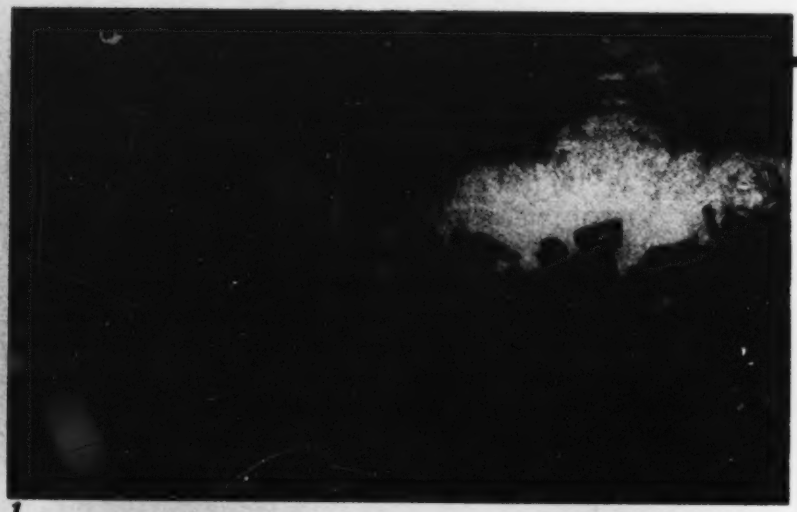
4. Italian earthquake refugees on way to U.S., circa 1904.

4

4

Strikes and Violence

Strikes became more commonplace. Brutality and violence characterized many of them, such as the railroad strike of 1877 and the Chicago Haymarket Square uprising and massacre of 1886. Some employers responded with tough tactics such as professional strikebreakers, blacklists and the "yellow dog" contract—a written pledge that a worker would not join a union during the period of his employment.



1

2

3

1. Haymarket Square riot, Chicago, May 1886.

2. Baltimore and Ohio Railroad strike, Baltimore, Md., July 1877.

3. Private guards at Williamsburg Sugar Plant, Brooklyn, N.Y., 1919.

Judicial Response

Judicial sentiment generally was not favorable to the young labor movement. The judiciary exercised its control over labor relations disputes with labor injunctions.

At the turn of the 20th century, public attention was focused on industrial turbulence and the need for long-term labor-relations policies. The search for a national labor policy had begun.

Labor unions were on the defensive during the 1910s and 1920s. Not only were they hit with injunctions, but the courts applied the antitrust laws against them.

In the 1912 case *Loewe v. Lawlor,* the Supreme Court ruled that a nationwide boycott by the Hatters union against a nonunion hat manufacturer violated the antitrust laws. The court made the union members responsible for payment of a substantial monetary judgment.

In 1916, in *Adair v. U.S.,* the Supreme Court ruled that Congress could not stop employers from firing employees for being union members. Five years later, the court ruled in *Coppage v. Kansas* that a state legislature could not ban "yellow dog" contracts.

1

2

1. Lady Shoemakers' strike, Lynn, Mass., March 1860.

2. Freight Handler Union demonstration, 1882.

War Labor Board

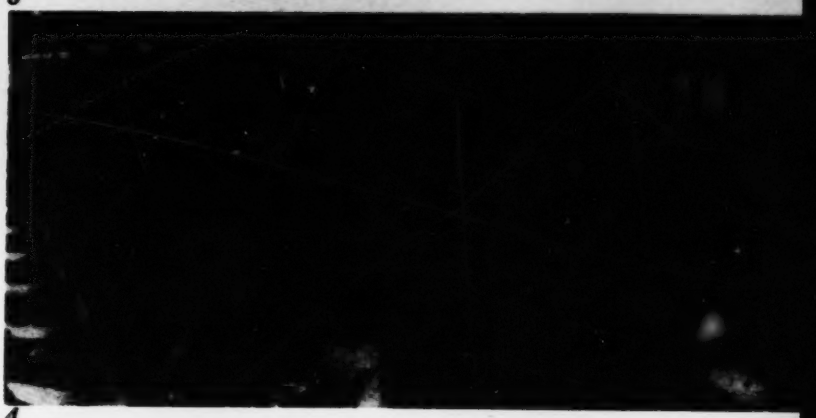
When the U.S. entered World War I in 1917, the labor movement had grown to three million members. President Woodrow Wilson took steps to promote labor peace by creating a tripartite War Labor Board in 1918.

Although the War Labor Board did not have enforcement powers, labor and management agreed to refrain from strikes or lockouts as a result of its mediating efforts. The War Labor Board recognized the "right of workers to organize in trade unions and to bargain collectively through chosen representatives." During its short life, the Board handled 1,250 cases affecting 700,000 workers.

1

2

3



4

1. *War Labor Board, 1919.*
2. *President Woodrow Wilson, AFL President Gompers and Secretary of Labor William Wilson at dedication of AFL building, Washington, D.C., July 1916.*
3. *Workers manufacturing weapons parts, World War I.*
4. *Browning Machine Guns plant, New Haven, Conn., 1917.*

7

Post-War Discord

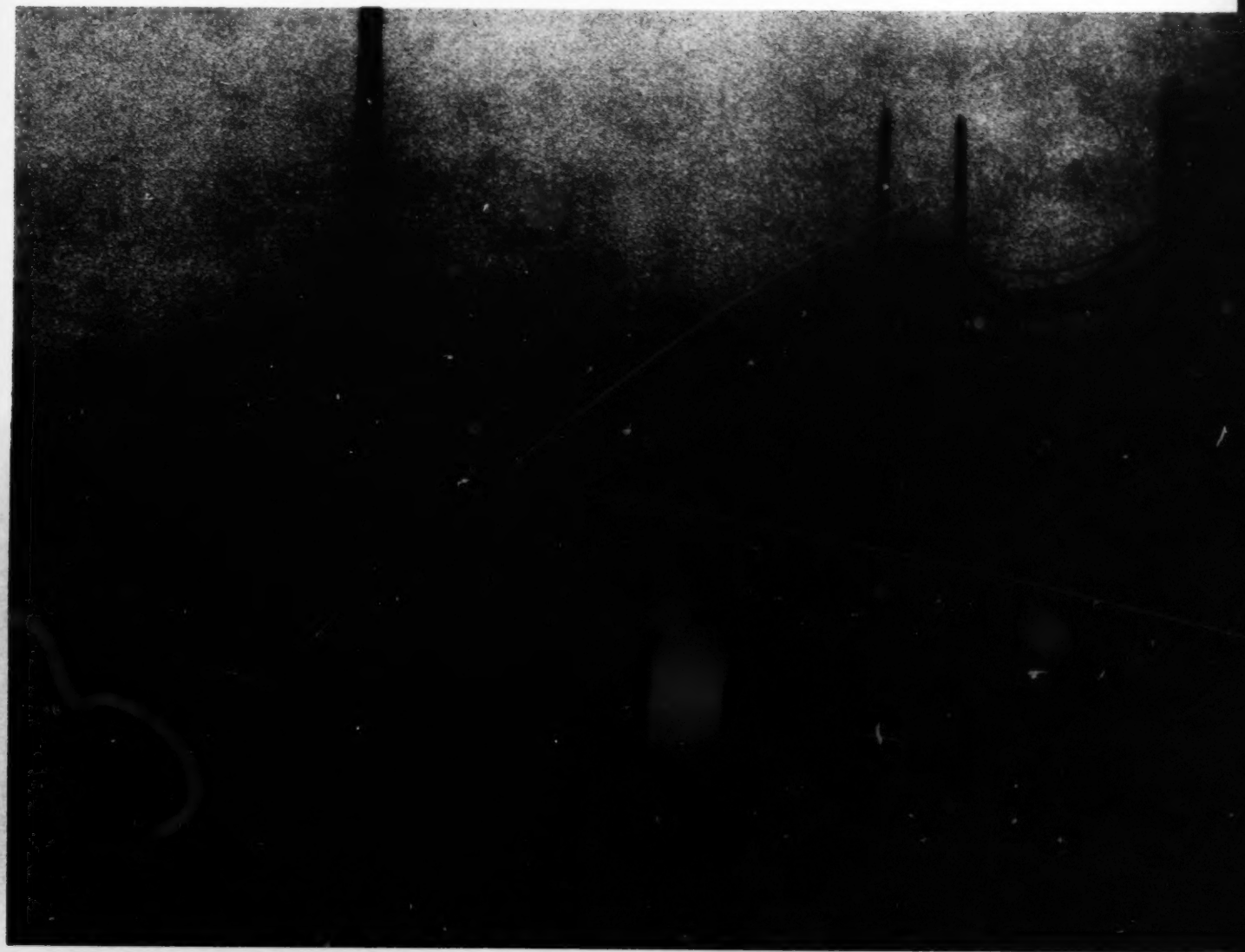
The labor-management truce during World War I evaporated after the armistice in 1918. The following year, unions lost major strikes in the steel, coal and rail industries. Union membership dropped from more than five million in 1920 to three million members in 1933—just 300,000 more than in 1914.

Hostility between labor and management ran high in the 1920s. It was during this period that the use of the labor injunction to stop strikes reached its peak.

1. Police attack striking textile workers, Passaic, N.J., 1926

Railway Labor Act

Passage of the Railway Labor Act in 1926 was a breakthrough in paving the way for a national labor policy. It stressed the importance of collective bargaining to minimize strikes and lockouts on railways and gave railroad workers the right to select their own bargaining representatives "without interference, influence or coercion."



Railroad yard, St. Louis, Mo., circa 1920.

Norris-LaGuardia Act

The Great Depression of the 1930s changed the face of labor relations by creating a climate in which Congress was willing to experiment with new approaches to industrial conditions and economic policy.

In the depths of the Depression, during the last year of the Hoover Administration in 1932, Congress passed the Norris-LaGuardia Act, which curbed the power of the courts to issue injunctions or restraining orders against strikes, absent violence or fraud.

More importantly, Congress declared the policy of the U.S. to be that workers were free to join unions and bargain collectively. The search for a national labor policy was coming closer to fruition.

1

2

3

1. *Sen. George Norris of Nebraska.*
2. *Rep. Fiorello H. LaGuardia of New York.*
3. *City Mission, Dubuque, Iowa, April 1930.*

National Industrial Recovery Act

President Franklin Delano Roosevelt's New Deal Administration committed the nation to an unprecedented program of government-industry cooperation. Typifying this approach was the National Industrial Recovery Act (NIRA) of 1933.

The NIRA suspended the anti-trust laws to permit employers within a single industry to form trade associations that set production quotas and fixed prices under "Codes of Fair Competition."

In return, employers stipulated that the Codes would establish minimum wages, maximum hours and other conditions of employment. To encourage participation by unions, Section 7(a) of the NIRA guaranteed employees "the right to organize and bargain collectively through representatives of their own choosing" without employer interference or coercion.

Additionally, it provided that employers should not require employees to join company unions or prohibit them from joining unions of their choice.

While lacking enforcement machinery, the declaration of labor policy set forth in Section 7(a) had a profound impact on the course of labor relations. The provision heightened organizing activity. Unions used it as a basis for telling unorganized workers in organizing campaigns that President Roosevelt wanted them to join unions.

President Roosevelt signs National Industrial Recovery Act, June 1933. Sen. Robert F. Wagner of New York is second from left.

The renewed interest in organizing, together with the refusal of many employers to recognize the unions their employees wanted, triggered strikes in support of the organizing drives. By August 1933, the situation had become so severe that President Roosevelt created a National Labor Board to bring about compliance with Section 7(a) and to mediate labor disputes.

He made Senator Robert F. Wagner of New York its chairman. Three industry representatives were selected for the NLB by the National Recovery Administration's Industry Advisory Board, and three labor members were picked by the NRA's Labor Advisory Board.

In December 1933, the President formalized the powers of the NLB with an executive order. Two months later he signed Executive Order 6580 authorizing the NLB to conduct union representation elections and handle violations of the NIRA codes.

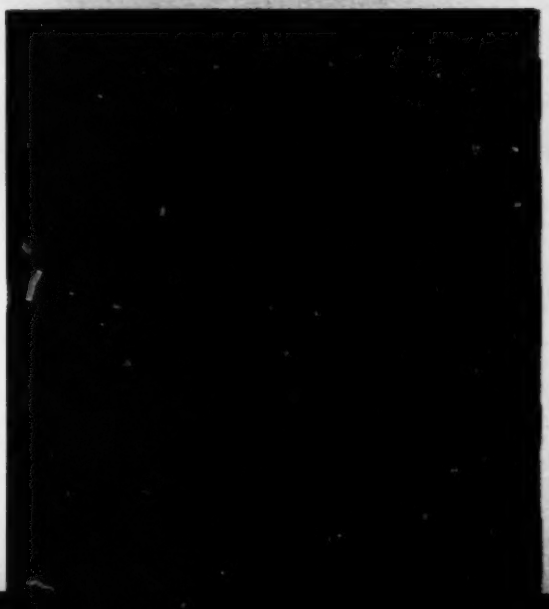
The NLB, however, lacked any real power. The authority of the National Recovery Administration, which administered the Act, was limited to withdrawing an employer's privilege of displaying the Blue Eagle, emblematic of NIRA participation.

By June 1934, when the NLB's authority expired, only four employers had been deprived of the Blue Eagles for violations of Section 7(a). Despite its problems in achieving voluntary compliance with Section 7(a), the NLB managed to settle 1,019 strikes, avert 498 others, and settle 1,800 other types of labor disputes.

1. National Labor Board after six months, January 1934. Seated (from left): Louis E. Kirstein, Chairman Wagner, Leo Wolman. Standing (from left): William Green, George Berry, Pierre S. du Pont, Father Francis J. Haas.

2. Charles T. Coiner of Philadelphia, Pa., displays NRA Eagle, the insignia he created, July 1933.

1.



2.

Stronger Agency Sought

Frustrated by the NLB's failure to achieve voluntary compliance with Section 7(a), Senator Wagner introduced a bill in February 1934 to set up a permanent tripartite agency that would mediate labor disputes. The new board would be empowered to conduct representation elections and to prevent "unfair labor practices" by issuing cease-and-desist orders. The bill encouraged collective bargaining and prohibited employers from interfering with the right of employees to organize.

Management groups attacked the proposed measure as pro-union and unconstitutional, and it failed to gain enough support for passage. However, the doomed bill set the stage for Congressional approval of a more moderate compromise.

Sen Wagner, circa 1935.

"Old NLRB"

Faced with mounting labor disputes, Congress in 1934 passed joint Public Resolution No. 44, authorizing the President to establish a new board as part of the NIRA. The board, called the National Labor Relations Board, would later be known as the "Old NLRB."

Unlike the tripartite NLB, this "Old NLRB" was composed of three public members. President Roosevelt named as its first chairman the dean of the University of Wisconsin Law School, Lloyd K. Garrison. After several months, Garrison resigned and was replaced by Francis Biddle, a corporate attorney from Philadelphia who later was to become the U.S. Attorney General.

The other members were Harry A. Millis, a labor economist from the University of Chicago, and Edwin S. Smith, former Commissioner of Labor and Industries for the state of Massachusetts.

The "Old NLRB" was powerless to enforce Section 7(a), just as the NLB had been, but it was able

1.

1. *First meeting of "Old NLRB," July 1934. From left, Edwin S. Smith, Harry A. Millis, and Chairman Lloyd Garrison.*

2. *Sen. Wagner, AFL President William Green, and Secretary of Labor Frances Perkins at Senate Labor Committee hearing on Wagner bill, March 1935.*

2.

to achieve compliance from many cooperative employers in the public spirit of the era, which looked to the NIRA to restore the economy to better times. Its decisions also provided a foundation for an emerging national labor policy of collective bargaining.

The "Old NLRB" was first housed at the former NLB offices in the Department of Commerce building and later relocated to the Department of Labor building. Secretary of Labor Frances Perkins tried unsuccessfully to have the "Old NLRB" placed under the Labor Department's control.

During the 1933-1935 period of the NIRA boards, the labor movement grew at an unprecedented pace. It also became more militant. Strikes were widespread and the economy remained depressed.

The voluntary codes of the NIRA collapsed in May 1935, when the Supreme Court ruled that the NIRA was unconstitutional. Meanwhile, however, plans were unfolding in Congress for a new law.

San Francisco Examiner 6A.M.

U. S. SUSPENDS ALL CODES AS NRA IS RULED ILLEGAL!

Boy's Uncle Named As Go-Between to Meet Kidnap Gang

Supreme Court Declares National Recovery Act Unconstitutional; Decision Hits New Deal Measures

Thank God for the Supreme Court!

1.

2.

1. San Francisco Examiner, *May 28, 1935.*
2. *Home of "Old NLRB," Dept. of Commerce building, Washington, D.C. 1934.*

BEST COPY AVAILABLE

Chapter II THE WAGNER ACT YEARS, 1935-1947

Painting depicting President Roosevelt signing the Wagner Act, July 5, 1935.

In the fall of 1934, Senator Wagner began revising his labor disputes bill. He was determined to build upon the experience of the two earlier NIRA boards and to find a solution to the enforcement problem which had plagued them. In February 1935, Wagner introduced the National Labor Relations Act in the Senate.

The Wagner bill proposed to create a new independent agency to enforce rights rather than to mediate disputes. It would obligate employers to bargain collectively with unions selected by a majority of the employees in an appropriate bargaining unit. The measure endorsed the principles of exclusive representation and majority rule, provided for enforcement of the Board's rulings, and covered most workers in industries whose operations affected interstate commerce.

Wagner's bill passed the Senate in May 1935, cleared the House in June, and was signed into law by President Roosevelt on July 5, 1935. A new national labor policy was born.

The New York Times.

NEW YORK, SATURDAY, JULY 6, 1935. P TWO CENTS

ROOSEVELT SIGNS THE WAGNER BILL AS 'JUST TO LABOR'

It Is Important Step Toward Industrial Peace but Will Not Stop All Disputes, He Says.

MEDIATION NOT AFFECTED

President Explains New Board Will Act Only on Violations of the Right to Organize.

Special to THE NEW YORK TIMES.

WASHINGTON, July 5.—The Wagner Labor Disputes Bill, enacting into permanent law a Federal authorization for labor to organize for the purpose of collective bargaining, [illegible] of labor disputes, was signed by President Roosevelt today.

The signing had been postponed several days in an effort to arrange a ceremony, but after it had been found impossible to get together all the leaders who sponsored the legislation, Mr. Roosevelt approved the bill at the White House this morning before going to the executive offices.

Later he hailed the measure as "an important step toward the achievement of just and peaceful labor relations in industry," but at the same time warned the public that "it will not stop all labor disputes."

He used two pens in signing the bill, directing afterward that one be presented to Senator Wagner, co-author of the bill with Representative Connery, and that the other go to William Green, president of the American Federation of Labor, who has called the bill the "magna charta of labor."

The bill provides Federal machinery for the adjudication of disputes over the right of labor to organize when "violation of the legal right of independent self-organization would burden or obstruct interstate commerce," the President announced.

Adjudication would be placed in

Seventy-fourth Congress of the United States of America;

AT THE FIRST SESSION,

AN ACT

Approved July 5, 1935

The New York Times,
July 6, 1935.

BEST COPY AVAILABLE

The constitutionality of the law rested on the premise that employer interference with the right of workers to organize into unions and the refusal of employers to bargain collectively led to labor disputes—which, in turn, interfered with interstate commerce. It was a premise soon to be challenged in the Supreme Court by the law's opponents.

The new law created a permanent board of three public members and armed it with essential enforcement tools. Subpoena powers provided the Board with the ability to enforce its investigative responsibilities, addressing a weakness that had undermined the earlier NIRA boards.

Congress also empowered the new National Labor Relations Board to make findings of fact and issue cease-and-desist orders enforceable in the courts. It gave the Board the power to order affirmative remedies for the violations found, including employee reinstatement and backpay, disestablishment of "sweetheart" unions and good faith bargaining.

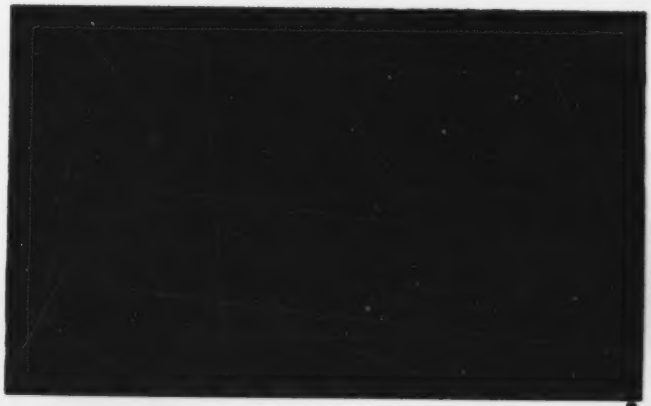
Employers were required to await a Board order directing them to honor election results before they could pursue a judicial appeal. The law granted the Board the right to seek enforcement of its own orders in the courts.

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

2.

1.



3.

1. CIO organizing poster, circa 1935.

2. Section 7 of Wagner Act, giving workers right to organize and bargain collectively.

3. Supreme Court, Washington, D.C., 1935.

BEST COPY AVAILABLE

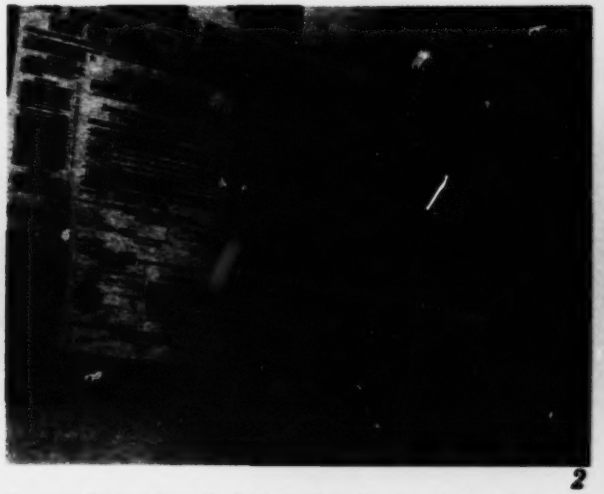
Employer Unfair Labor Practices

The rest of the Act pertained to employer unfair labor practices and employee representation elections and was intended to implement the employee rights in Section 7. The law made specified employer conduct unlawful: employers could not restrain, interfere with or coerce employees in the exercise of Section 7 rights; could not create or support "company unions;" could not discriminate against an employee for union activities or for assisting the Board in the investigation of cases; and could not refuse to bargain with a duly designated majority union in an appropriate bargaining unit.

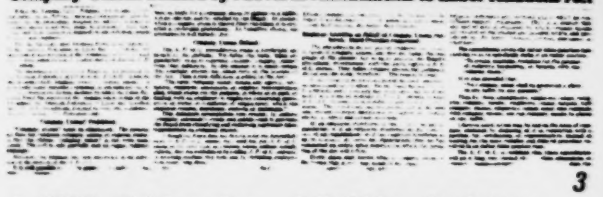
Representation elections were to be based on the concept of exclusive representation. The statute defined the subject matter of collective bargaining in terms of wages, hours and other conditions of employment.

Congress directed the NLRB to determine appropriate bargaining units. Only employees within such a unit could vote in representation elections, and an employer's bargaining obligation was limited solely to employees in that unit.

1



2


Company Unions Banned by A. F. of L. Amendments to Labor Relations Act

3

1. NLRB officials work on major representation case, Camden, N.J., August 1936. From left, Stanley Surrey, Asst. General Counsel; Robert D. Hooke, Acting Regional Director, Philadelphia area; and Samuel G. Zack, Regional Attorney, Philadelphia.

2. Bethlehem Steel plant workers Joe Collins, left, and Emerson Gross read notice calling for election of officers for Employees Representation Plan, which Steel Workers Organizing Committee claimed was "company union," Bethlehem, Pa., March 1941.

3. AFL Weekly News Service, April 29, 1939.

BEST COPY AVAILABLE

First Board and General Counsel

President Roosevelt named J. Warren Madden as the new Board's first chairman, and John M. Carmody and Edwin S. Smith as its first members.

Madden had been a law professor at the University of Pittsburgh school of law. Carmody had served on the "Old NLRB" established by Resolution 44, and Smith had been a member of the National Mediation Board, which administered the Railway Labor Act.

Carmody resigned in August 1936 and was succeeded by Donald Wakefield Smith, a Washington attorney. Succeeding Smith in 1939 was William M. Leiserson, who briefly had been the secretary of the original NLB in 1933.

As its first general counsel, the Board chose Charles Fahy, who later served as Solicitor General and as a judge of the U.S. Court of Appeals for the District of Columbia.

1

2

3

4

1. First NLRB members (from left) John M. Carmody, J. Warren Madden, and Edwin S. Smith, 1935.

2. Board members Edwin S. Smith, Donald W. Smith, and J. Warren Madden, 1938.

3. Member Edwin S. Smith, center, Charles W. Hope, left, Director of NLRB Seattle office, and Malcolm Ross, NLRB Director of Publications, arrive for hearing on strike by American Newspaper Guild's Seattle chapter against Post-Intelligencer, Seattle, Wash., Sept. 1936.

4. First General Counsel Charles Fahy (1942 photo).

Collective Bargaining Encouraged

And so, with a budget of $659,000 and an employee complement of 196—of whom 86 were based in the Washington headquarters and the balance in 21 regional offices—the agency took its first steps to implement its statutory function of protecting the right of employees to participate in controlling their economic destiny.

The secret ballot took the place of the recognition strike. The long search for a national labor policy had finally coalesced with the Congressional declaration:

"It is hereby declared to be the policy of the United States to eliminate the certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise of workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

Steel workers, Aliquippa, Pa., July 1938.

The Board's Structure

Administratively, the Board was divided into five divisions. The *Legal Division*, supervised by the General Counsel, had a Litigation Section, which prosecuted unfair labor practice cases before the Board and represented it in court, and a Review Section, which reviewed case transcripts and drafted preliminary decisions. The *Office of the Executive Secretary* directed the internal administrative operations of the agency, including the regional offices. The *Trial Examiners Division* conducted hearings on behalf of the Board (the Board made the trial examiners into a separate division in 1938). The *Economic Research Division* gathered economic data for use by the Board in certain cases and produced monographs on labor relations problems to guide the Board as it formulated policies. The *Publications Division* handled press relations, answered public inquiries and prepared materials about the NLRB's activities.

1.

2.

1. NLRB Trial Examiner William Ringer inspects lead and zinc mine shaft, Picher, Oklahoma, 1938.

2. First home of NLRB, Dept. of Labor building, Washington, D.C.

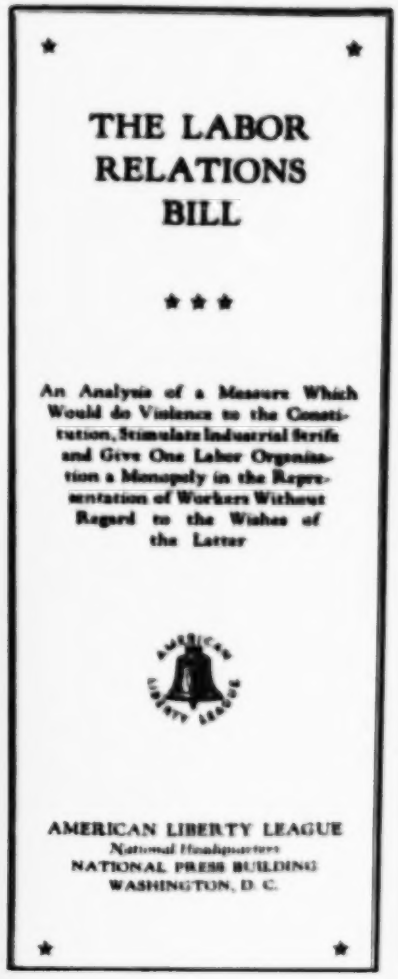
3. NLRB hearing of charges brought by CIO against Maytag Co., Newton, Iowa, July 1936.

3.

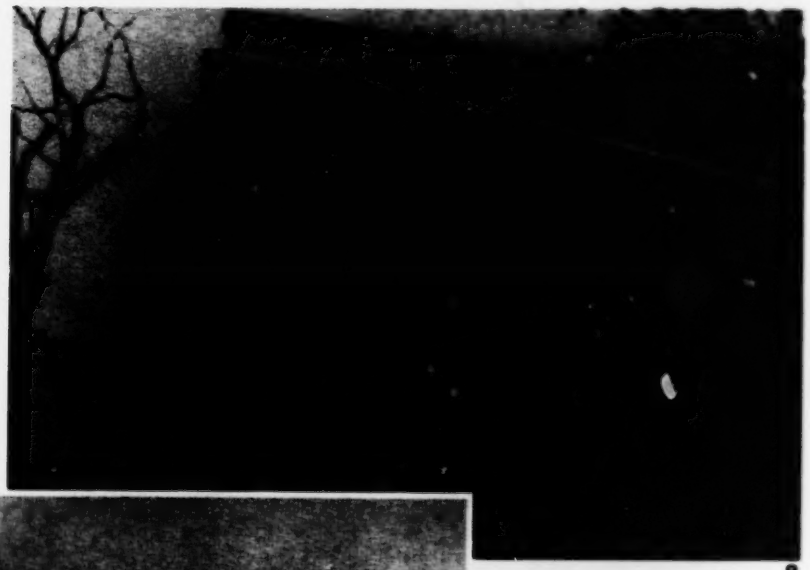
No sooner had the Wagner Act passed than employer groups mounted a campaign against it. On the date of passage, the National Association of Manufacturers denounced the new law as unconstitutional. In September 1935, the American Liberty League issued a lengthy brief arguing against the constitutionality of the law and advising employers to disregard it.

Employers had ample cause for doubting the constitutionality of the Wagner Act. In the period from the Liberty League's brief to the 1936 presidential election, the Supreme Court declared unconstitutional much of the New Deal's innovative economic legislation.

In that climate, the federal courts issued nearly 100 injunctions against the operation of the Act. The Board effectively was paralyzed until the Supreme Court ruled on the law's constitutionality.


THE LABOR RELATIONS BILL
An Analysis of a Measure Which Would do Violence to the Constitution, Stimulate Industrial Strife and Give One Labor Organization a Monopoly in the Representation of Workers Without Regard to the Wishes of the Latter
AMERICAN LIBERTY LEAGUE
National Headquarters
NATIONAL PRESS BUILDING
WASHINGTON, D. C.

1



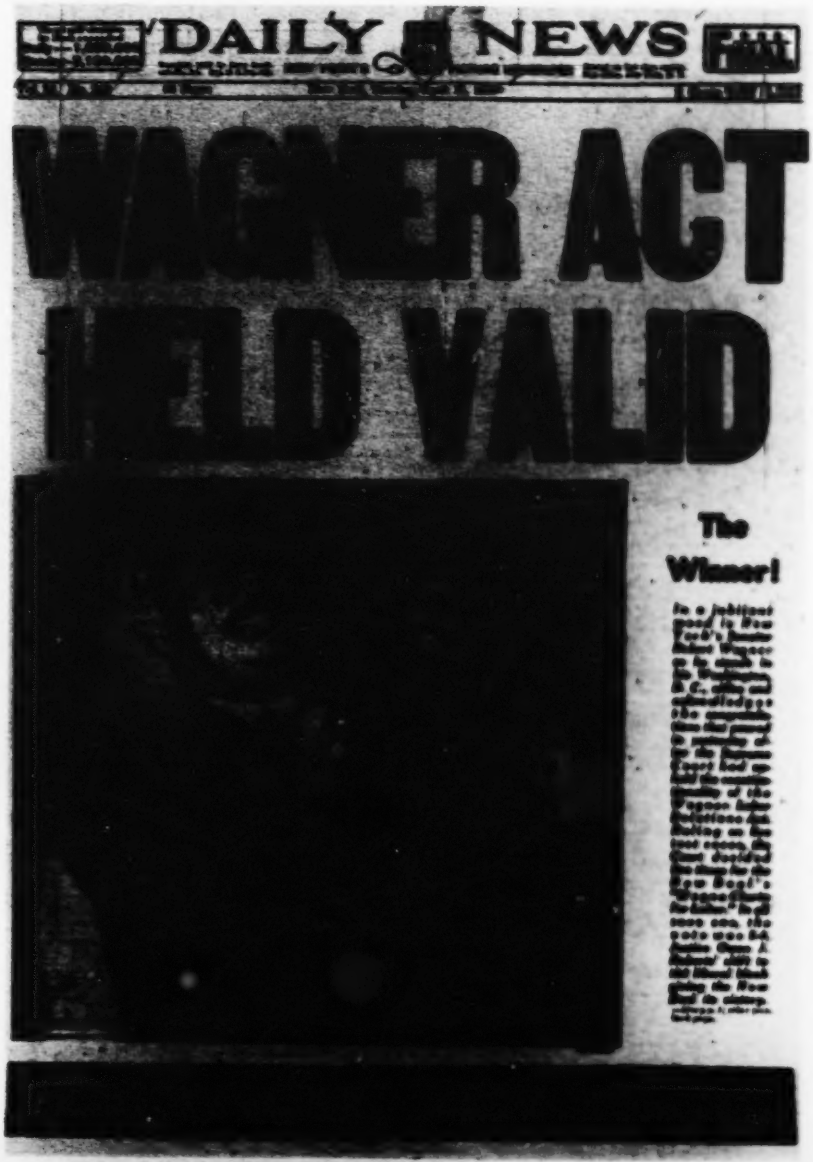
2

3.

1. *American Liberty League pamphlet on Wagner Act, Washington, D.C., April 1935.*
2. *First NLRB election was held in firehouse in Fort Wayne, Ind., December 1935, on behalf of workers at Wayne Knitting Mills.*
3. *Wayne Knitting Mills plant, Fort Wayne, Ind.*

The stage was set for one of the legal showdowns of the century. In November 1936, Roosevelt was re-elected by a landslide. Several months later, he unveiled his "court-packing plan," complaining of the Supreme Court's "nine old men" who had blocked his New Deal plans. In 1937, amidst the controversy of FDR's aborted court-packing plan, the constitutionality of the Wagner Act reached the Court in five test cases. In April 1937, the Court saved the Act in a 5-to-4 decision upholding its constitutionality.

In the pivotal *Jones and Laughlin* case, the Court sustained Congress' power to regulate employers whose operations affect interstate commerce, even though they were not directly engaged in commerce. The Court noted the effects of the 1919 steel strike as an example of how a labor dispute in manufacturing industries can impede the flow of goods in interstate commerce.

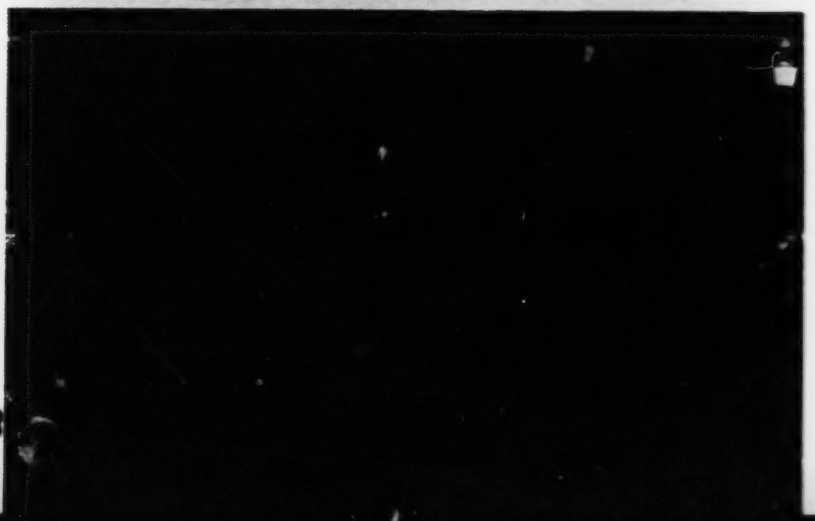

DAILY NEWS

WAGNER ACT

HELD VALID

The Winner!

1


2

3

25

1. New York Daily News, *April 13, 1937.*

2. Crowds celebrate end of strike involving 27,000 workers against Jones and Laughlin Steel Corp., Aliquippa, Pa., May 1937.

Constitutionality determined, the Board's problems were far from over. The budding agency was beseiged not only by employers, but by labor unions as well.

As Chairman Madden observed, "Employers almost universally did not welcome the Act"; many of them charged the Board with pro-labor bias. While management's reaction to labor's "Magna Carta" was not surprising, the American Federation of Labor's hostility to the Act and the agency was unanticipated.

Despite the hostility to the new law, the Board's caseload rose 1,000 percent after the *Jones and Laughlin* decision, prompting Congress to appropriate additional operating funds, and the agency to hire more employees.

1

AMERICAN FEDERATION OF LABOR

WEEKLY NEWS SERVICE

WASHINGTON, D. C., SATURDAY, APRIL 1, 1939. VOL. 28, NO. 13

A. F. of L. Amendments to Labor Act Are Favored by New England Unions

KEEP A.F.L. INTACT IS GREEN'S DEMAND

NATIONAL LABOR RELATIONS BOARD DESTROYING AMERICAN FEDERATION OF LABOR, GREEN SAYS

WAGNER ACT AMENDMENTS TO GET SENATE HEARING

Committee Plans April 11 For Consideration of 60th Bill to Change Labor Relations Law.

Washington, D. C.—The Senate Committee on Education and Labor, at its meeting on March 30, agreed unanimously to begin hearings on April 11 on various proposals to modify the National Labor Relations Act and curtail the powers of the National Labor Relations Board.

The most important bill before the committee is the one introduced by Senator Walsh of Massachusetts containing the amendments to the Labor Relations Act recommended by the 1938 convention of the American Federation of Labor.

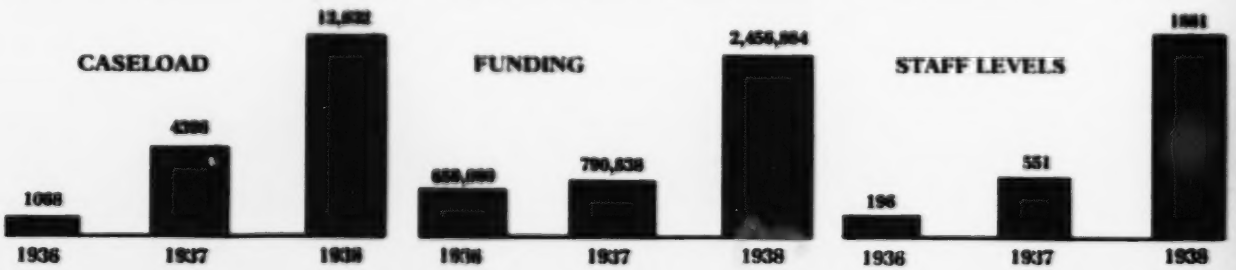
A.F.L. CHURCH SIGNS UP 500 N. Y. CITY HOTELS

Wage Increase of $2 Weekly Secured for 5,000 Employees.

Letter to Unions Explaining Urgent Need For A. F. of L. Amendments to National Labor Relations Act, Ordered by 1938 Convention of the Federation, Declares Labor Board's Maladministration Is Wiping Out Craft Unions as Collective Bargaining Agencies and Building Up the Dual C. I. O.; Valid Agreements Negotiated by American Federation of Labor Affiliates With Employers Have Been Nullified by the Board's Unwarranted Decisions, and the Company Union Stigma Placed Upon A. F. of L. Units.

"The American Federation of Labor Is the Friend of the National Labor Relations Act; We Sponsored It In the Beginning; We Helped Draft It; We Contributed Largely Towards Its Enactment Into Law; We Are Determined to Protect and Preserve the National Labor Relations Act; We Shall Stand Opposed to Any Attempt to Change Its Fundamentals or Its Principles; We Are Seeking Only as the Real Friends of the Act to Require the Board to Administer the Law In Accordance With Its Original Purpose, Its Spirit and Its Letter."

NLRB Growth: FY 1936-1938



Note: Charts refer to fiscal years. Caseload statistics include both unfair labor practice charges and representation petitions.

Craft v. Industrial Unions

In this period, the Board was confronted with problems arising from the deep split within the labor movement as to whether the AFL should organize and represent industrial workers in the largely unorganized mass production industries. Since the 1890s, the AFL had focused on craftsmen, largely ignoring industrial workers.

The tensions between the craft and industrial unions erupted at an AFL convention in Atlantic City, N.J. in 1935. The industrial union leaders—including John L. Lewis of the United Mine Workers, Sidney Hillman of the Amalgamated Clothing Workers, David Dubinsky of the Ladies' Garment Workers, and Charles Howard of the International Typographical Union—failed to win their position. In 1936 they formed the Committee for Industrial Organization (CIO) for the avowed purpose of organizing industrial workers "to bring them under the banner of the AFL."

The AFL perceived the industrial unions' conduct as dual unionism and demanded that the committee disband. The committee refused, and in August 1936, the AFL suspended most of the CIO unions involved. The CIO reorganized itself into a permanent organization and changed its name to the Congress of Industrial Organizations.

The problem of industrial versus craft unionism which the AFL and CIO leadership could not resolve came to rest on the doorstep of the NLRB, then only five months old.

The AFL charged that the Board was pro-CIO. The CIO joined the fray from time to time to protest decisions favorable to the AFL.

1. AFL Weekly News Service, April 1939.

2. UMW President John L. Lewis at mineworkers' meeting, 1937.

2

27

Climate of Opposition

A *Fortune* magazine article in 1938, titled "The G— — D— — — Labor Board," described the atmosphere in which the Board worked at that time:

"Industrial relations have achieved the unreasoning bitterness of a holy war. They have become a battlefield of slogans and shibboleths, of coercion and propaganda, of intimidation and mutual accusation, of guerrilla warfare and strikes. It is this battlefield that the NLRB has invaded—intending, according to its sponsors, to 'smooth out obstructions to the free flow of commerce'—succeeding, according to its opponents, in making an already intolerable situation infinitely worse. Drawn up on one side is an almost solid phalanx of U.S. industry led by the National Association of Manufacturers and the U.S. Chamber of Commerce, and at the moment heavily supported by the leaders of the AF of L. On the other side is the CIO and what is probably a majority of the rank and file of organized labor."

The criticisms of the Board by management and labor came to a head in 1939, during a series of hearings conducted by Representative Howard A. Smith from December of that year to December 1940. A leader of the conservative bloc of the Democratic party, Smith charged the NLRB with a pro-union bias. He also claimed the agency was dominated by left-wingers and had been infiltrated by Communists.

1

William Green, President of the A.F.ofL., complains: "The Board has gone to undreamed-of extremes in a perversion of the act."

Sherman H. Dalrymple, President of the rubber workers union: "The NLRA does not go far enough, needs more teeth."

Cyrus S. Ching, director of industrial relations for the U.S. Rubber Co., says: "For God's sake let's stop calling names."

Charles Fahy, Board general counsel: "Follow the act as good citizenship requires, without reservation or attempt to evade."

Earl Reed, Pittsburgh attorney: "I will be glad to stipulate my attitude [toward the Board] in as expurgated a form as I can."

Raoul E. Desvernine, recently elected President of the Crucible Steel Co. of America, admits: "We are all maneuvering."

Philip Murray, Chairman of the S.W.O.C., says: "Labor is always ready to fight for its rights but it prefers peaceable negotiations."

2

1. ***Fortune magazine, October 1938.***
2. ***NLRB Conference, Washington, D.C., November 1938.***
3. ***Chairman J. Warren Madden before Smith Committee, 1939.***
4. ***Smith Committee members (from left): Charles Halleck, Abe Murdock, Chairman Howard Smith, Arthur Healey and Harry Routzohn, 1939.***

3

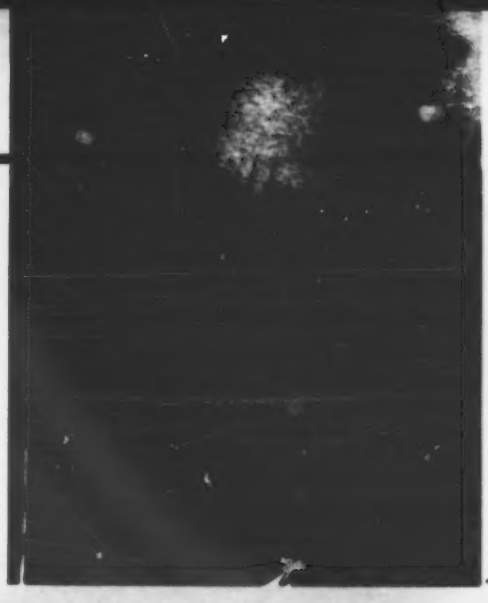
4

National War Labor Board

The worst of the Great Depression was over by the end of the 1930s, but a global war lay ahead. Shortly after America entered World War II in December 1941, President Roosevelt convened a labor-management conference to suggest ways of avoiding labor disputes so that war production would not be disrupted.

The conference agreed to reciprocal no-strike, no-lockout pledges and to the creation of an 11-member, tripartite National War Labor Board (NWLB) with powers to mediate, conciliate and arbitrate.

The resolve and productivity of U.S. workers during the war years in building America's industrial strength played a crucial role in defeating the Axis powers.



1

2

3

4

5

6

1. President Roosevelt, 1940.

2. Labor-management committee discusses production problems in Pennsylvania anthracite industry, October 1942.

3. War Labor Board, January 1942.

4. NLRB Detroit Regional Office, 1941.

5. Coca Cola plant employees on strike, Sikeston, Mo., May 1940.

6. Pickets outside Greensboro, Ga., textile mill, May 1941.

Post-War Union Activity

After the war, unemployment shot up as billions of dollars for defense contracts were cancelled. Prices also rose dramatically.

Unions which had organized the mass production industries just before the war—only to have their collective bargaining agreements frozen by wartime controls—wanted to make up for lost ground, particularly in the recessionary economy.

A wave of strikes in late 1945 and 1946 was the result. For example, in November 1945, the 180,000 members of the Auto Workers at General Motors struck for 113 days. In 1946, national strikes crippled the soft coal industry and the nation's railroads. That year, there were a staggering 5,000 strikes, involving 4.6 million workers.

1.

2.

3

4

1. Merchant seamen on strike, Boston, Mass., November 1946.

2. International Harvester workers on strike, 1946.

3. NLRB election at Bethlehem Hingham Co., Boston, Mass., February 1944.

4. Trial Examiners' Conference, Annapolis, Md., May 1942. Front and center, Board member Gerard Reilly; next to Reilly, at left, Board member William Leiserson.

Anti-Strike Sentiment

Public sentiment was against strikes in the period following the war, and Congress was responsive to the national mood. In 1946, it passed some modest revisions to the Wagner Act, which were vetoed by President Harry Truman.

Voters in November 1946 elected the first Republican Congress since 1930, in part because of this sentiment against "labor's excesses." By 1947, the public no longer regarded organized labor as an underdog, but rather as having too much economic and political power. Changes in the Wagner Act were the inevitable outcome.

The Evening Star

REPUBLICANS CLINCH CONTROL OF SENATE AFTER TAKING OVER HOUSE IN LANDSLIDE

Win 3-Seat Majority In Western Returns; 3 Races Still in Doubt

1

2

1. **Washington Evening Star,** ***November 6, 1946.***

2. ***Philadelphia Regional Office staff, circa 1945.***

From the day the Wagner Act became law, there was an annual flood of bills, resolutions and riders to amend it or repeal it. By 1947, they totalled about 150.

The campaign to amend the Wagner Act in the 80th Congress was led by Senator Robert A. Taft of Ohio, chairman of the Senate Labor Committee, and Rep. Fred A. Hartley, Jr., of New Jersey, the Republican chairman of the House Education and Labor Committee.

Under the Wagner Act, there were only employer unfair labor practices. In May 1947, after lengthy hearings, Taft introduced a complex bill that would make unions subject to the NLRB's unfair labor practice powers as well. After nine days of floor debate, the Taft bill passed by a vote of 68 to 24.

On the House side, Hartley introduced a bill in April that was even more restrictive from labor's standpoint. It cleared the House by a vote of 308 to 107. A compromise measure approved by House and Senate conferees easily passed the House and Senate in early June and was sent to the White House.

1

2

3

1. *Sen. Robert A. Taft of Ohio.*
2. *Rep. Fred A. Hartley, Jr., of New Jersey.*
3. *Senate Labor Committee hearing on Taft-Hartley Act, February 1947.*
4. Chicago Daily Tribune, *June 27, 1947.*

Chicago Daily Tribune

FINAL

SE BANS U.S. OIL TO REDS

Curley Jailed; Clerk Acts as Mayor

Boss to Draw Full Salary During Term

SENATOR URGES FIXING OF FEES OF LABOR LAW

4

President Truman was urged by business and farm groups to sign the bill. Unions held rallies across the country denouncing the Taft-Hartley bill as a "slave labor" bill, and called for a veto.

In June, President Truman vetoed the bill, labelling it "dangerous," "unworkable," "harsh," "arbitrary," and "drastic." Within several days, Congress overrode the veto by a wide margin and the Labor Management Relations Act became law.

1

2

Labor Bill Becomes Law as Senate Overrides President's Veto by a Vote of 68 to 25

3

1. AFL union rally, Madison Square Garden, New York City, 1947.

2. President Truman before broadcast on Taft-Hartley bill, June 6, 1947.

3. Wall Street Journal, *June 24, 1947.*

Chapter III THE TAFT-HARTLEY ACT YEARS, 1947-1959

First Taft-Hartley Board (from left): Abe Murdock, John M. Houston, Chairman Paul M. Herzog, James F. Reynolds, Jr., and J. Copeland Gray.

Sweeping Changes

The changes brought by Taft-Hartley were sweeping, affecting the structure of the Board and its administration, as well as the unfair labor practice provisions and representation election provisions of the law.

The Act created an independent NLRB general counsel to be appointed by the President, subject to Senate confirmation. The general counsel would act as a prosecutor and supervise the agency's attorneys, except those on the staffs of individual Board members and the trial examiners.

For 12 years, management groups had criticized the Board's seeming dual role as prosecutor and judge. Under Taft-Hartley, the general counsel was to act as a prosecutor separate from and independent of the Board, which would continue its judicial functions.

The Board was expanded from three to five members and authorized to sit in panels of three members to discharge its responsibilities.

The Board's old review section, the group of lawyers who drafted decisions for all the members, was abolished. Management groups had accused the section of having a pro-labor bias. Instead, the new law provided that each member would have a personal staff of attorneys to work on pending cases.

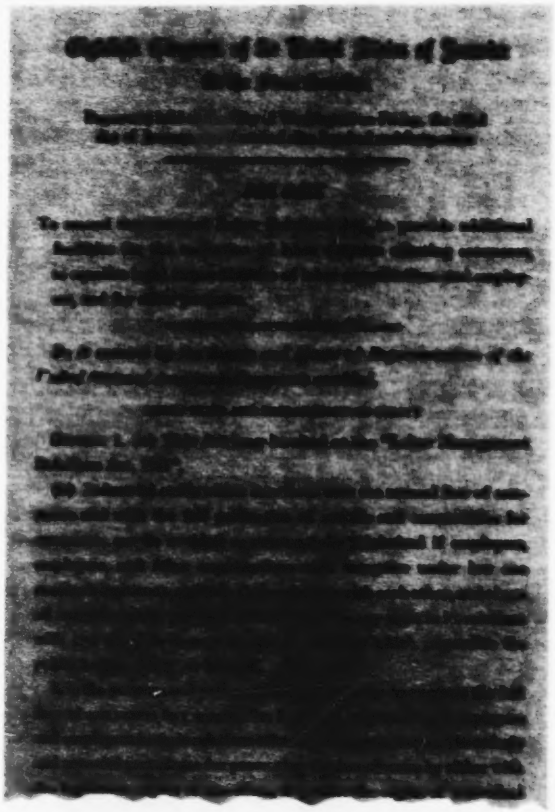
The Board was precluded from engaging in "economic analysis" under Taft-Hartley. Actually, the Board had abolished the Division of Economic Research in 1940. The division had come under attack in the late 1930s for its director's alleged political views and in 1939 by the Smith Committee.

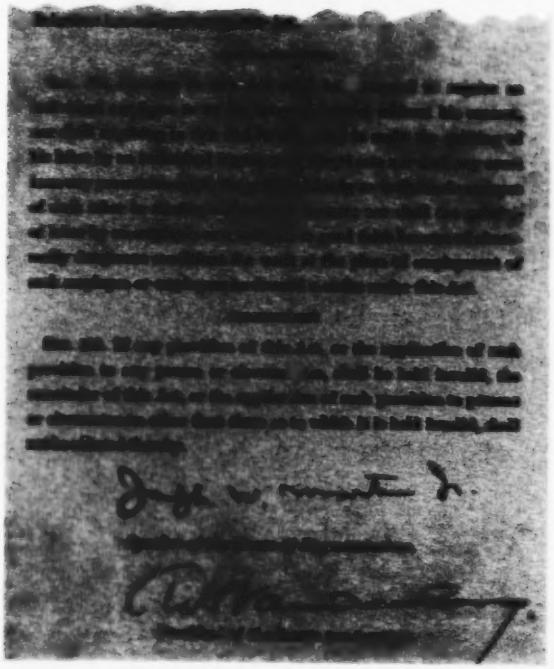
Robert N. Denham, first NLRB General Counsel under Taft-Hartley Act.

Labor Policy Preserved

Congress preserved the Wagner Act's national labor policy language encouraging collective bargaining, but added language that certain practices by unions that impair the free flow of commerce should be eliminated.

Section 7 was retained intact in the revised law, but new language was added to provide that employees had the right "to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment . . ."





Union Unfair Labor Practices

Taft-Hartley defined six additional unfair labor practices, reflecting Congress' perception that some union conduct also needed correction. The Act was amended to protect employees' rights from these unfair practices by unions.

The amendments protected employees' Section 7 rights from restraint or coercion by unions, and said that unions could not cause an employer to discriminate against an employee for exercising Section 7 rights. They declared the closed shop illegal, but provided that employers could sign a union shop agreement under which employees could be required to join the union on or after the 30th day of employment.

The amendments also imposed on unions the same obligation to bargain in good faith that the Wagner Act had placed on employers. They prohibited secondary boycotts by making it unlawful for a union that has a primary dispute with one employer to put pressure on a neutral employer to stop doing business with the first employer.

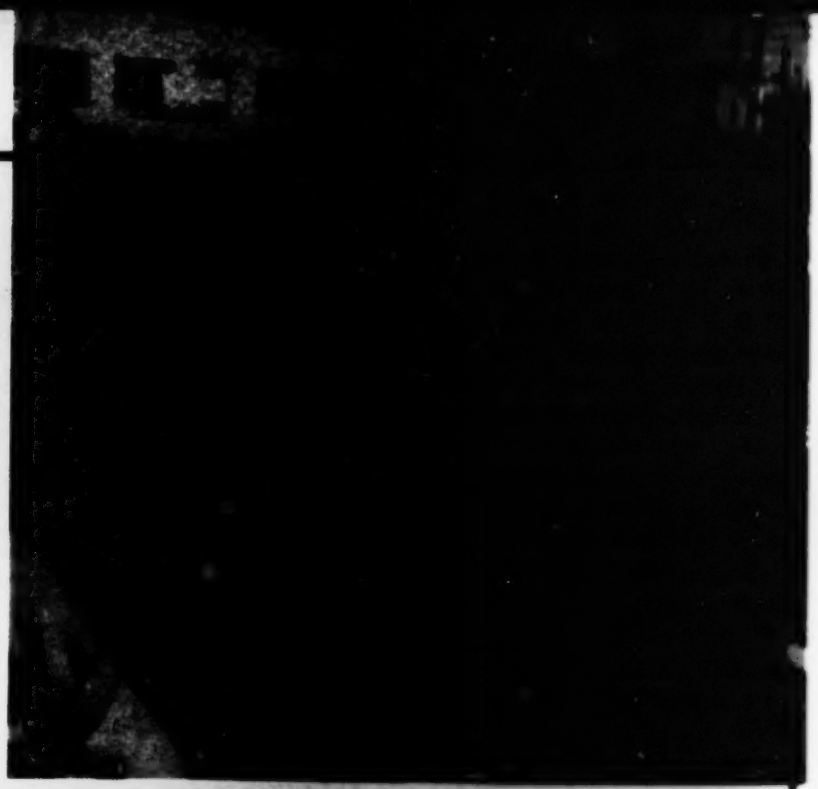
Unions were prohibited from charging excessive dues or initiation fees, and from "featherbedding," or causing an employer to pay for work not performed. The new law contained a "free speech clause," providing that the expression of views, arguments or opinion shall not be evidence of an unfair labor practice absent the threat of reprisal or promise of benefit.

National Maritime Union seamen protest federal injunction restraining strike, June 1948.

Election Provisions

Several significant changes were made for representation elections. Supervisors were excluded from bargaining units, and the Board had to give special treatment to professional employees, craftsmen and plant guards in determining appropriate bargaining units.

Congress also added four new types of elections. The first permitted employers faced with a union's demand for recognition to seek a Board-conducted election. The other three enabled employees to obtain elections to determine whether to oust incumbent unions, whether to grant to unions authority to enter into a union shop agreement, or whether to withdraw union shop authorization previously granted. (The provisions authorizing the union shop elections were repealed in 1951.)



1.

2.

1. *Ford workers line up to vote in NLRB election at River Rouge plant, Dearborn, Mich., April 1942.*
2. *Another River Rouge plant election, July 1948.*

Drive For Repeal

From the beginning, labor sought repeal of Taft-Hartley. Repeal was a major issue in the 1948 Presidential campaign, but despite Truman's upset victory, the labor-led repeal movement failed.

Textile Workers' Union meeting, 1947.

NLRB's Work: 1935-1947

During the 12-year period from the passage of the Wagner Act in 1935 to the Taft-Hartley amendments in 1947, the Board had developed an impressive record:

- More than 105,000 cases were filed with the agency, 60,000 of which involved representation questions and 45,000 of which involved allegations of unfair labor practices.
- The Board disposed of 43,556 unfair labor practice charges and 57,852 representation proceedings, for a total of 101,408 cases.
- Some 300,000 workers who were found to have suffered discrimination in violation of the Act were reinstated in their jobs.
- Almost 41,000 workers received back pay, totaling nearly $12,560,000.
- More than 1,700 company unions, found to be employer-controlled, were disestablished.
- Some 8,000 notices were posted by employers.
- The Board conducted nearly 37,000 elections, 74 percent of them by consent.
- Unions won 30,110 elections, or 81 percent of the total.
- The Supreme Court decided 59 Board cases. Board orders were enforced in full in 45, or 76 percent of the cases decided.

NLRB field examiner interviews prospective witnesses in unfair labor practice case, Cairo, Ill., Christmas, 1939.

Operating Under Taft-Hartley Act

The functioning of the Board under the Wagner Act came to an end on August 21, 1947. On the following day, the Board entered its vastly increased domain of activity under the Labor Management Relations Act of 1947, or Taft-Hartley Act.

In the first year of operation under Taft-Hartley, the Board was reorganized in accordance with the new law's requirements. The Board was increased from three to five members. The Review Division was abolished. The position of general counsel, now filled by Presidential appointment rather than by designation of the Board, was considerably altered in authority and responsibility. A new set of rules and regulations was adopted, and numerous changes were made in procedure and organizational structure.

After the reorganization, the Board members functioned as a tribunal for deciding cases upon formal records, without exercising responsibility for the preliminary investigation of petitions or charges. The general counsel had final authority over the investigation of unfair labor practice charges, and, by delegation from the Board, authority for processing election petitions. The general counsel also exercised general supervision over the agency's field employees.

Early in 1948, as policies and principles began to be established, the Board devised a system by which most of its cases could be decided by five panels of three members.

During the second half of fiscal year 1948, the majority of Board decisions were rendered by panels of the Board rather than by the full Board. Cases involving undecided questions of policy or law continued to be referred to the full Board for decision.

In the Board's first year of operation under Taft-Hartley (fiscal 1948), an all-time high of 36,735 cases were filed with the agency. This compared with the high of 14,909 cases filed in 1947 during the Wagner Act.

That first year under the amendments also saw unions winning 72.5 percent of the representation elections conducted by the agency. This compared with a record of union victories in 81.4 percent of the elections conducted during the Board's 12-year administration of the Wagner Act.

"I HAD TO DO SOMETHING WITH '84 – THE LABOR BOARD RULED AGAINST ME!"

WALL STREET JOURNAL

"I don't suppose you have one saying something like 'sorry about that NLRB decision'?"

Union-Shop Elections

Taft-Hartley introduced a requirement that the Board conduct a poll of employees in a bargaining unit to determine whether they wished to authorize their union to negotiate a union-shop contract before a union shop could be established.

This provision proved to be burdensome on the agency's resources, and the results were not very useful, since almost all bargaining units chose union shop authorization. For instance, in fiscal 1949, the Board conducted 15,074 such polls involving 1,733,922 eligible employees. In almost 97 percent of those elections conducted, the employees authorized the negotiation of union-shop contracts.

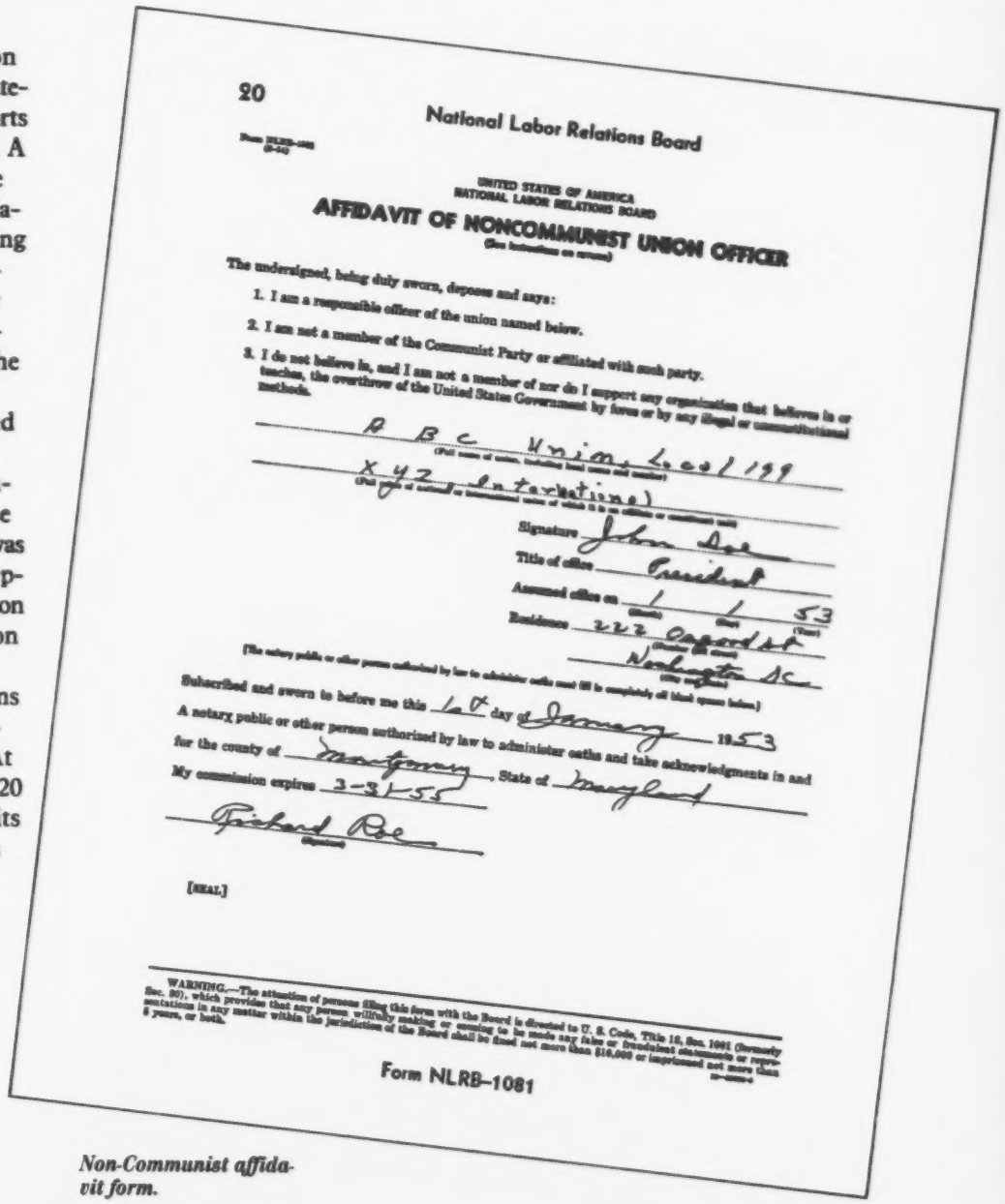
NLRB officials conduct election in alley next to Detroit Timken Axle Co. after company denied them use of its property, 1948.

Non-Communist Affidavit

Another Taft-Hartley provision required unions to file certain statements and annual financial reports with the Department of Labor. A union was required to file these documents—including an affidavit by each of its officers swearing that the officer was not a Communist and did not support or advocate a subversive organization—before having access to the processes of the NLRB.

A union could not be certified as a bargaining agent or be the beneficiary of a union shop contract unless it complied with the filing requirements. The Board was forbidden even to investigate a representation question until the union had met the affidavit-registration requirements.

Altogether, 22,697 local unions complied with the reporting requirements between 1947-50. At the end of fiscal year 1959, 204,420 union officials had filed affidavits that they were not Communists or supporters of subversive movements.



20

National Labor Relations Board

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AFFIDAVIT OF NONCOMMUNIST UNION OFFICER

The undersigned, being duly sworn, deposes and says:

1. I am a responsible officer of the union named below.
2. I am not a member of the Communist Party or affiliated with such party.
3. I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

A B C Union, Local 199
(Full name of union, including local name and number)

X Y Z, International
(Full name of national or international union of which it is an affiliate or constituent unit)

Signature John Doe

Title of office President

Assumed office on 1 1 53
(Month) (Day) (Year)

Residence 223 Capitol St
(Number and street)
Washington DC
(City and State)

(The notary public or other person authorized by law to administer oaths must fill in completely all blank spaces below.)

Subscribed and sworn to before me this 1st day of January, 1953

A notary public or other person authorized by law to administer oaths and take acknowledgments in and for the county of Montgomery, State of Maryland

My commission expires 3-31-55

Richard Roe
(Signature)

[SEAL]

WARNING.—The attention of persons filing this form with the Board is directed to U. S. Code, Title 18, Sec. 1001 (formerly Sec. 80), which provides that any person willfully making or causing to be made any false or fraudulent statements or representations in any matter within the jurisdiction of the Board shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Form NLRB–1081

Non-Communist affidavit form.

Union-Shop Polls Eliminated

The Act was amended in 1951 to eliminate the requirement of a union-shop authorization poll of employees before a union shop legally could be established. It was the first amendment of the Act since 1947. However, Congress did not relax the requirement that unions making union-shop agreements had to comply with the Act's non-Communist affidavit and filing rules.

The first case to come before the Board members to require direct application of the amendment was a representation case in 1952, when they unanimously declined to give effect to a union-shop contract made by a union which was not in compliance with the affidavit and filing provisions.

1

2

1. *Senators William Jenner, Homer Ferguson, and Robert A. Taft discuss their resolution asking President Truman to invoke Taft-Hartley Act to get miners back to work during coal strike, January 1950.*

2. *NLRB agents count ballots cast by employees of Wheeling Steel Corp. who voted overwhelmingly in favor of union shop, October 1950.*

Jurisdictional Standards

One of the major questions confronting the Board since 1935 had been the extent to which it should assert its jurisdiction. The Board took the position that it would better effectuate the purposes of the Act to limit its jurisdiction to enterprises whose operations have—or at which a labor dispute would have—a substantial impact upon the flow of interstate commerce.

For many years, the questions of where to draw the line turned upon the facts of each case as it came before the Board for decision. In 1950, after long study of the patterns emerging from past decisions, the Board issued a series of unanimous decisions more precisely setting forth the standards to govern its future exercise of jurisdiction.

The Board later established new jurisdictional standards in 1954, revising them again in 1958. For a manufacturing company, the jurisdictional yardstick was set at $50,000 in purchases, sales or services shipped, received or performed either directly or indirectly in interstate commerce as defined by the Board. For a retail firm, the test was $500,000 in gross annual volume of business. Different standards were provided for other industries.

First photograph of Board in session, May 1955. From left, Philip Ray Rodgers, Abe Murdock, Chairman Guy Farmer, Ivar H. Peterson, and Boyd S. Leedom.

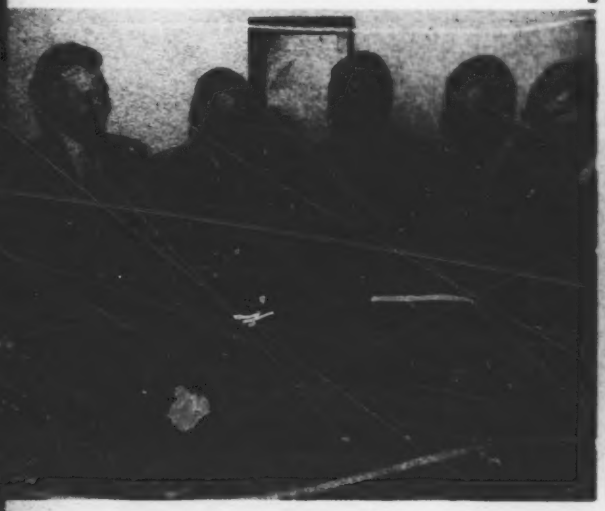
Streamlined Processes

The Board streamlined its processes and procedures in the field and at its headquarters in the early 1950s, and succeeded in substantially reducing the time required to process cases.

Fiscal 1955 was marked by a record filing of 6,171 unfair labor practice cases by individual employees. This represented the largest number since the 6,807 cases filed in fiscal 1938.

1955 was also the year in which the AFL and the CIO ended their disagreements and merged into one labor federation.

1



1. Ronald Reagan, seated right, and other leaders of Screen Actors Guild, 1952. President Reagan was SAG president from 1947-1952 and 1959-1960.

2. AFL President George Meany and CIO President Walter Reuther join hands at AFL-CIO unity convention, December 1955.

3. Longshoremen wait to vote in NLRB election, New York City, May 1954.

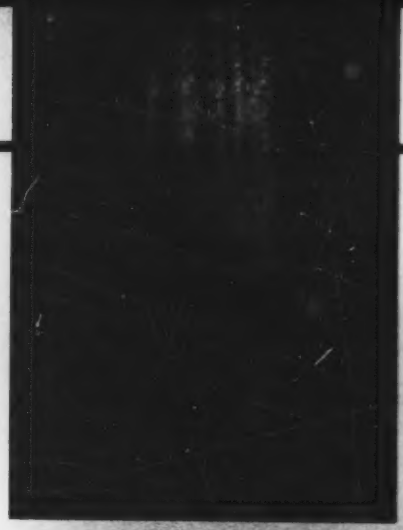
3

McClellan Committee

During the middle and late 1950s, the labor movement was under intense Congressional scrutiny for corruption, racketeering and other misconduct. During 1955-1956 hearings, a Senate committee led by Senator Paul H. Douglas of Illinois uncovered abuses in the administration of union pension funds. This investigation led to a series of hearings in 1957-1958 by the Senate Select Committee on Improper Activities in the Labor Management Field, known as the McClellan Committee.

Testimony revealed that some unions had forcibly interfered with their members' rights, violated democratic procedures in union elections, misappropriated union funds, failed to maintain proper records, and accepted bribes from management.

The McClellan Committee's investigation convinced Congress and the public that legislation was necessary to regulate the internal affairs of unions and eliminate corrupt practices. Accordingly, in September 1959, Congress enacted the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).



1

2

3

4

1. *President Eisenhower delivers radio and television broadcast on need for Landrum-Griffin Act, August 1959.*
2. *McClellan Committee hearing, May 1957. From left, Sen. John McClellan of Arkansas, Committee Counsel Robert F. Kennedy, Sen. John F. Kennedy of Massachusetts and Sen. Carl Mundt of South Dakota.*
3. *NLRB General Counsel's conference, Denver, Colo., 1958.*
4. *NLRB officials (standing) count 4,000 challenged ballots in election involving International Longshoremen's Association, New York City, 1953.*

The new law amended Taft-Hartley in these major respects:

- State courts and state labor relations boards were given jurisdiction over cases declined by the Board under its jurisdictional standards.
- Secondary boycott prohibitions were tightened and hot cargo agreements (under which employers committed themselves in advance to boycott any other employer involved in a dispute with the union) were outlawed.
- A new unfair labor practice made it unlawful for a union to picket for recognition or organizational purposes in certain circumstances.
- Pre-hire and seven-day union shop contracts were legalized for the construction industry.
- Permanently-replaced economic strikers were given the right to vote in representation elections within one year of the beginning of the strike.

The Weather

The Washington Post FINAL

Times Herald

82nd Year .... No. 272 Phone RE. 7-1234 THURSDAY, SEPTEMBER 3, 1959 WTOP Radio (1500) TV (Ch. 9) TEN CENTS

Labor Reform Bill Approved

Ike Hailed By Million In Paris

Eisenhower, de Gaulle Work for Conciliation Of French Irritations

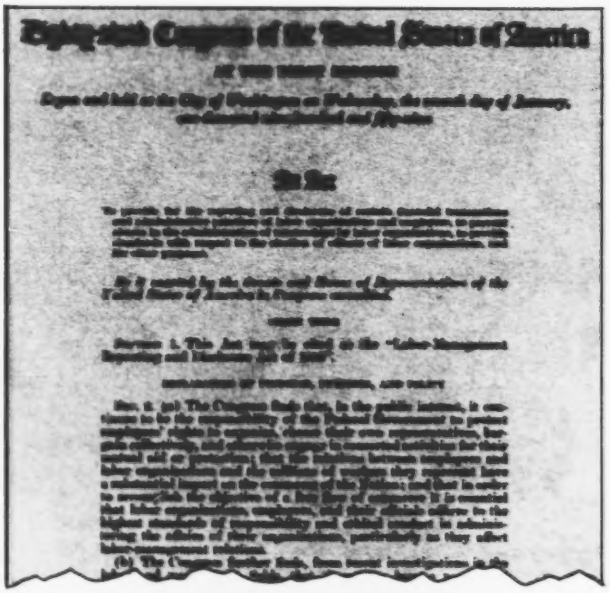
Works Bill Veto Upheld By One Vote

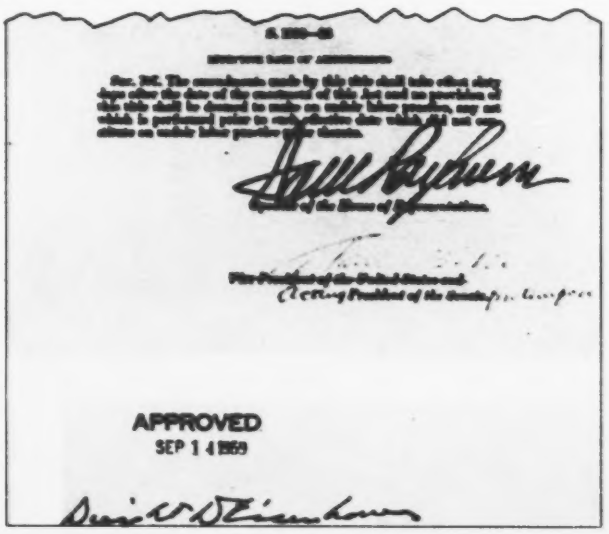
Conferees Agree on Measure

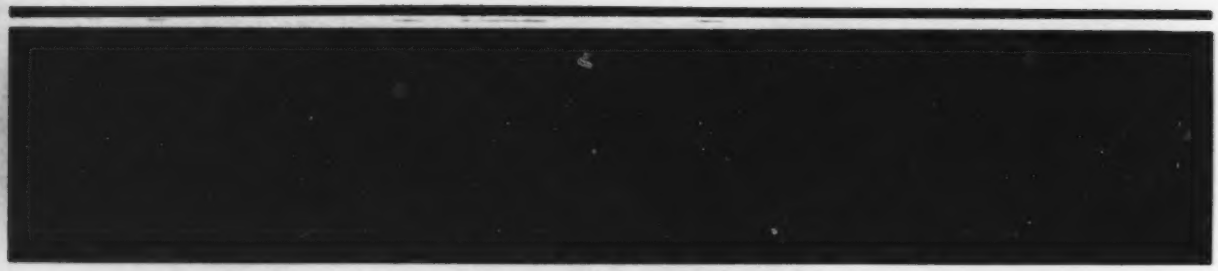
Fast Action Seen In Both Houses; Mitchell Hails Bill

Landrum-Griffin legalized certain union shop agreements in construction industry.

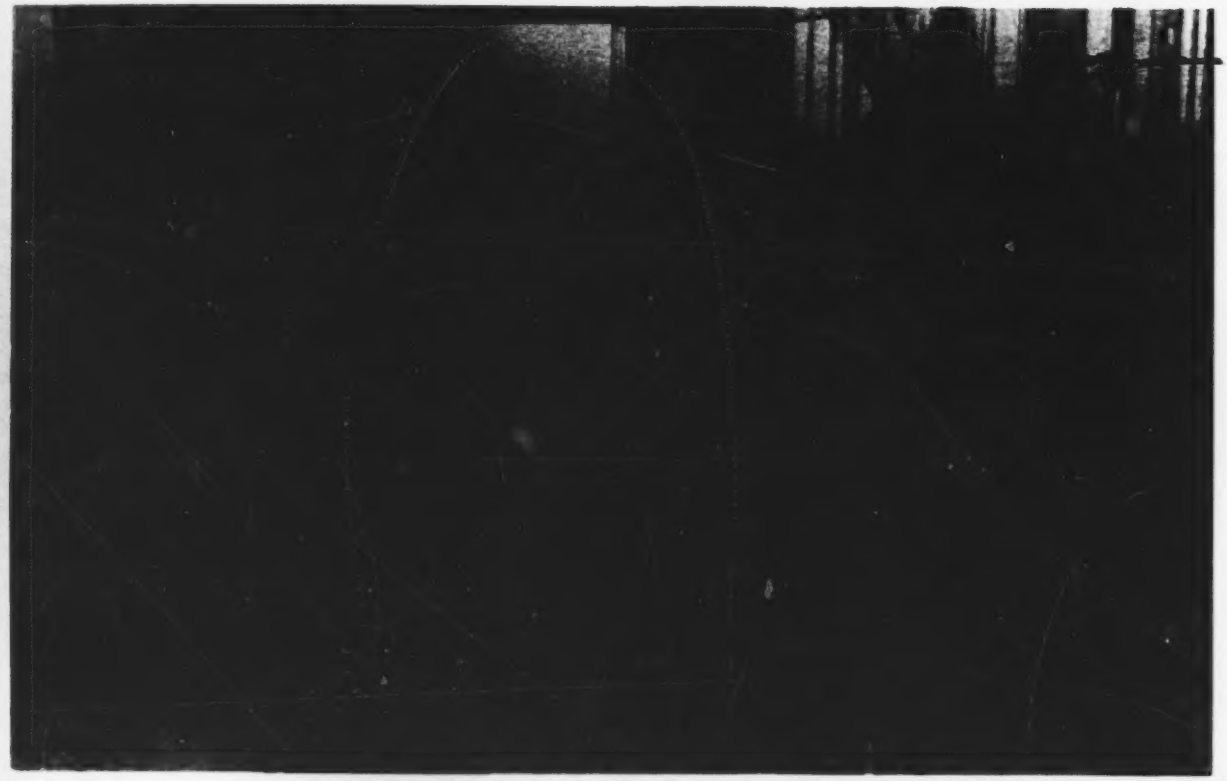
- The non-Communist affidavit provisions were repealed.
- The Board was authorized to delegate most of its authority to define bargaining units and to direct elections to its regional directors, subject to discretionary review.
- Other titles in the new law established a code of conduct guaranteeing certain rights to union members within their union, and imposed certain reporting requirements on unions, union officers, employers and consultants. These provisions were assigned for administration to the Department of Labor. Thus, the Landrum-Griffin Act protected employees' union membership rights from unfair practices by unions, while the National Labor Relations Act protected employee rights from unfair practices by employers or unions.







Chapter IV MILESTONES: The 60s, 70s & 80s



NLRB election involving Teamsters, Philadelphia, November 1962. NLRB agent Louise Morgan is seated at left.

Rising Caseload

The NLRB celebrated its 25th anniversary with a dinner in August 1960, attended by more than 800 persons.

By 1960, the NLRB had 1,820 full-time employees, including 1,150 in the regional offices. Its caseload had risen substantially, and the agency struggled to keep pace.

The chronic problem of delay was the source of most of the criticism and complaints against the Board. Behind the delays in processing cases was the constantly increasing caseload.

In the four-year period from fiscal 1957 to fiscal 1961, unfair labor practice filings more than doubled – from 5,506 to 12,132.

The problem of the Board's rising caseload prompted President Kennedy in 1961 to submit Reorganization Plan No. 5 to Congress.

1.

2.

3.

The plan, which had the full support of the Board, was intended to speed up the processing of unfair labor practice cases by delegating decisions to the 64 trial examiners. However, the plan was rejected by a House vote.

1. *Members of Ladies' Garment Workers celebrate election victory at Lackawanna Dress Co., Scranton, Pa., 1960.*

2. *NLRB's General Counsel's training program, class no. 3, December 1958.*

3. *President John F. Kennedy addressing AFL-CIO Fifth Constitutional Convention, New York City, November 15, 1963.*

Improved Case-Handling

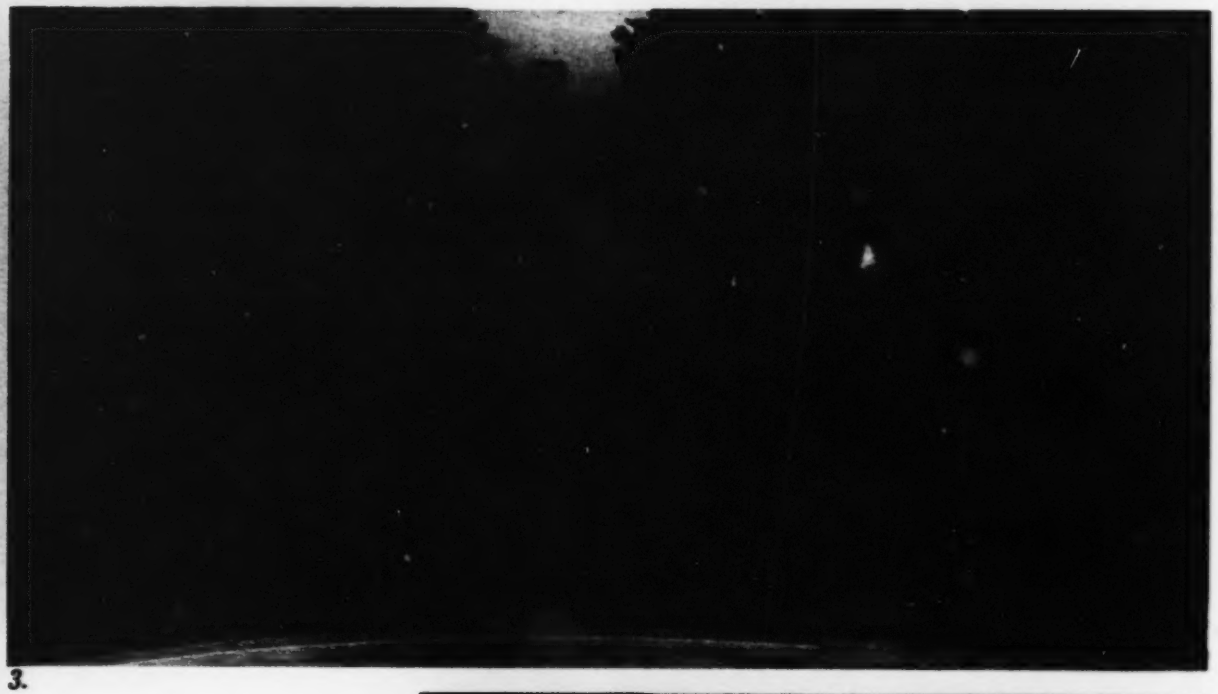
In the meantime, the General Counsel undertook a comprehensive drive to improve case-handling procedures. Time targets were established for each stage of case processing and more emphasis was placed on settling charges before the issuance of a formal complaint.

By the early 1960s, the regional offices were investigating charges and making determinations within 30 days of filing on whether to issue complaints. The total time required to proceed from the filing of the charge to the close of the hearing before a trial examiner in fiscal 1961 was a median of 87 days—a reduction of 45 percent from the 159 days required in fiscal 1958.

To speed up case processing and provide increased service to the public, the NLRB established more regional offices during the 1960s, bringing the total to 31.

1.

2.



3.

4.

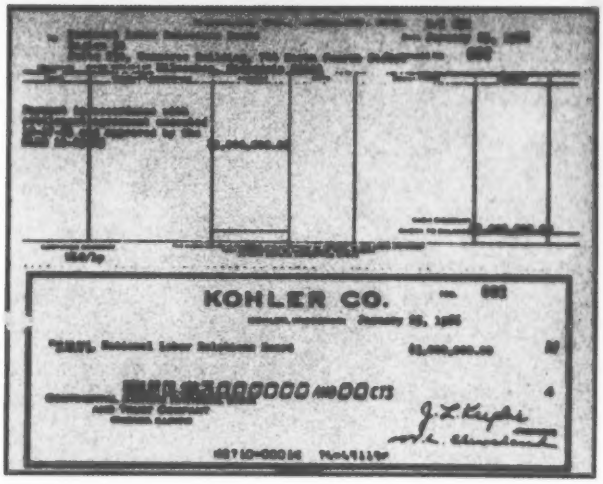
1. *NLRB Senior Field Examiner Katherine Neel explains electioneering rules to Teamsters Local 107 President Edward Battiafore (second from right), Philadelphia, November 1962.*
2. *Trucks are left in line between police barricades near Philadelphia Stadium while their drivers cast ballots in that Teamsters election.*
3. *General Counsel's Conference, Carmel, Cal., 1964.*
4. *Meeting in General Counsel's "chart room," 1961. General Counsel Stuart Rothman is seated, center.*

Kohler Case

One of the longest and most extensively litigated cases in the history of the Board resulted in a 1961 decision involving a 54-day strike by the United Auto Workers at Kohler Co., a Wisconsin manufacturer of plumbing equipment.

The written record in the case, compiled in hearings conducted at intervals over four years, formed a stack of documents 16 feet high. The transcript consisted of more than 20,000 pages and there were 1,900 exhibits. The Board held that Kohler had failed to bargain in good faith.

Kohler and the UAW eventually reached a settlement in December 1965, in which the company agreed to pay individual workers $3,000,000 in back pay and another $1,500,000 for restoration of pension rights.



UAW members on picket line during strike against Kohler Co., in Kohler, Wis., that lasted from 1954 to 1965.

Three Decades, 25 Million Votes

As the Board closed its third decade of operation in fiscal 1965, it had conducted some 140,000 representation elections and handled more than 200,000 unfair labor practice cases.

The 7,824 elections it conducted that year were more than 250 times the total of 31 for fiscal 1936, the first year of NLRB operation. Unfair labor practice cases in 1965 numbered 15,800, or 18 times the 865 cases in 1936.

Altogether, the agency in 1965 received 27,199 cases and disposed of 28,025 cases, setting new records.

The NLRB reached a milestone in industrial democracy in January 1967 when the 25,000,000th vote was cast in one of its secret ballot elections. The election occurred at a Reynolds Metals aluminum can manufacturing plant in Woodbridge, N.J., in which employees chose the United Steelworkers of America to represent them in bargaining. Vice President Hubert H. Humphrey presided at a ceremony commemorating the occasion.

1

2

1. Ceremony celebrating 25th millionth vote cast in NLRB elections, March 1967. From left, AFL-CIO President George Meany, Leonard P. Scheno of Steelworkers, and William F. May of National Association of Manufacturers.

2. President Lyndon B. Johnson, 1966.

Jurisdiction Expanded

Congress amended the Act in 1970 to place the U.S. Postal Service under the NLRB's jurisdiction. The Postal Reorganization Act substituted an arbitration procedure for the right to strike guaranteed in Taft-Hartley.

Congress widened the NLRB's responsibilities again in 1974, giving the agency jurisdictional authority over nonprofit hospitals and nursing homes. Previously, the law had excluded such health care facilities and their employees.

On its own discretion, the NLRB further expanded its jurisdiction to include major league baseball (1969), private, nonprofit colleges and universities (1970), professional football (1973), foreign government-owned corporations doing business in the U.S. (1977), law firms (1977), and professional soccer (1978).

1.

1. *Hospital Workers Local 1199 signed "V for Victory" in 1969 election, New York City.*

2. *President Richard M. Nixon with Postmaster Generals following signing of Postal Reorganization Act, August 1970.*

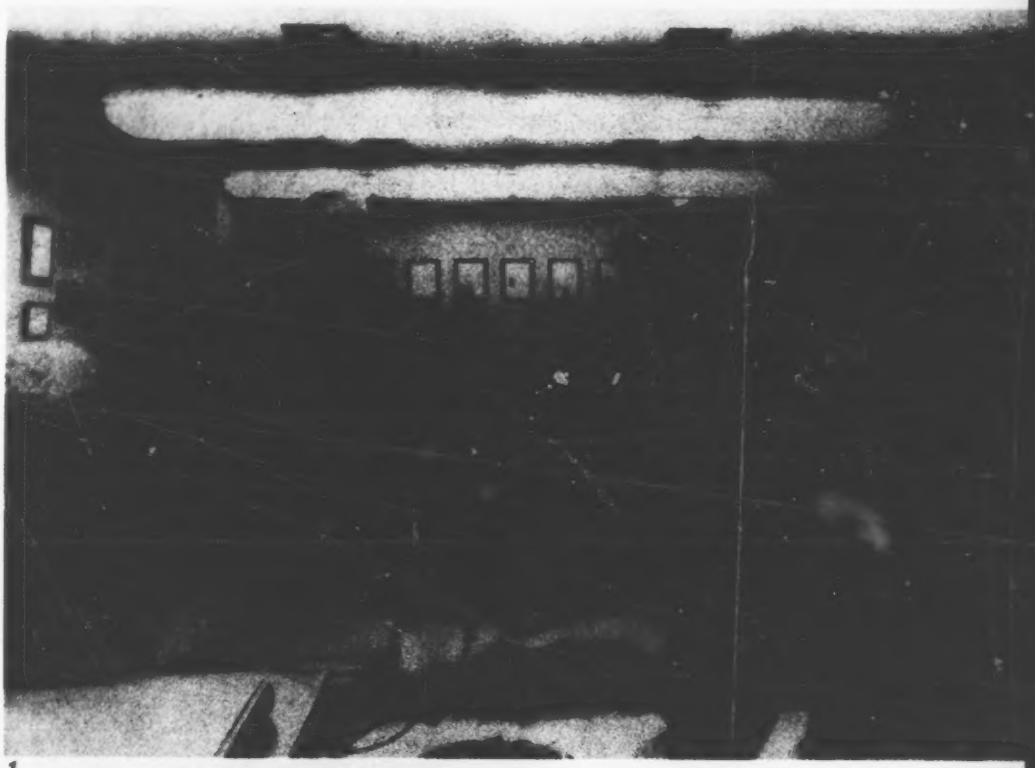
2.

Reorganization

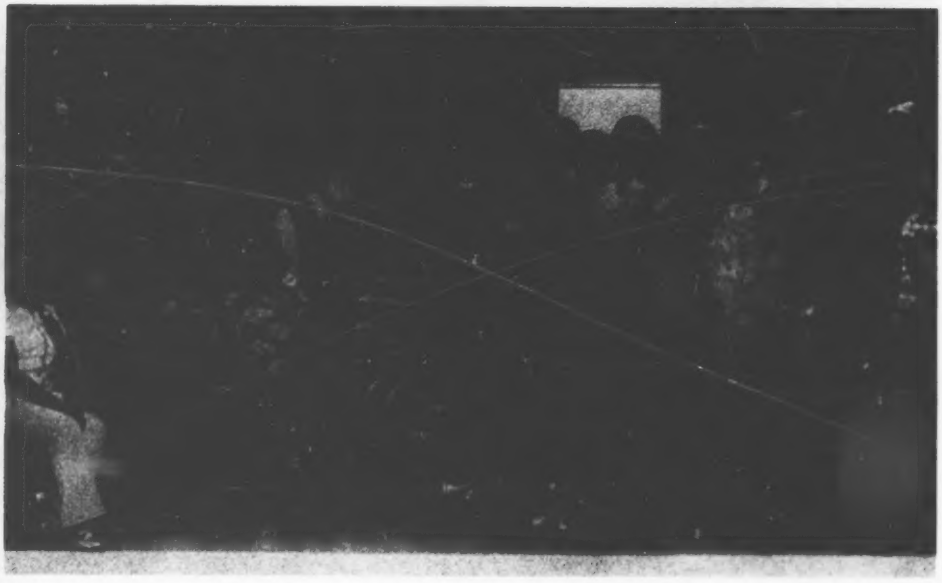
The agency's caseload continued to climb during the 1970s—in part because of its expanded jurisdiction—and was regarded as its major challenge. In 1971 the Board received, for the first time, more than 40,000 cases in a single year. In effort to streamline case-handling procedures and maximize resources, the Office of the General Counsel was reorganized in 1972.

A Division of Advice was created to consolidate legal research and advice functions, and a restructured Division of Operations Management, in addition to supervising field operations, was given the responsibility of monitoring the flow of case processing.

During the 1970s, the NLRB opened two more regional offices, bringing the total up to 33 (plus another 19 subsidiary field offices).



1.



2.

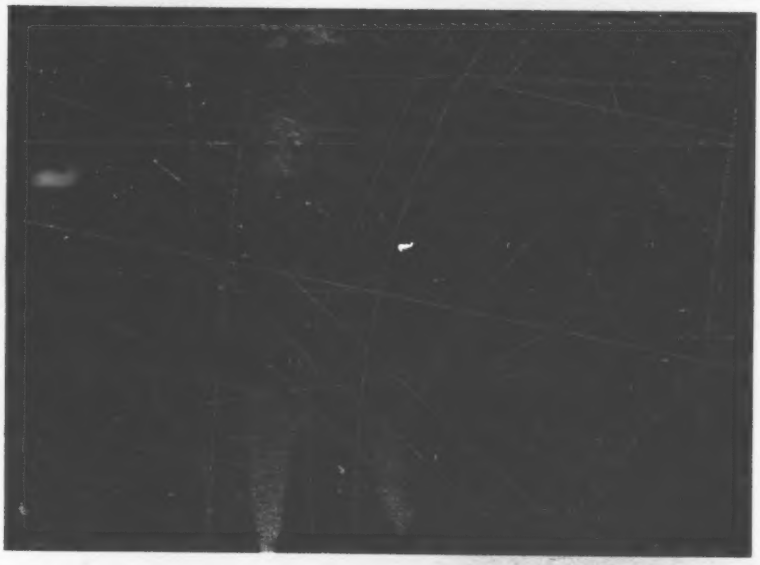
1. *General Motors and UAW begin negotiations, Detroit, 1970.*

2. *Regional office managers' conference, Washington, D.C., March 1974.*

In 1975, also with an eye to modernizing and streamlining its rules and procedures, the Board appointed a task force to conduct a two-year study. The blue ribbon panel of 27 academicians and lawyers, representing management, labor and the public (along with agency officials who did not have a vote in the task force's deliberations) issued two reports containing 81 recommendations, most of which eventually were adopted and have helped reduce undue delays in the Board's case-handling machinery.

A 40th anniversary banquet in October 1975 was addressed by three leaders representing labor, management and government—AFL-CIO President George Meany, National Association of Manufacturers President-elect R. Heath Larry, and Secretary of Labor John T. Dunlop.

Organized labor led an unsuccessful effort to amend the Act in 1978. The "labor law reform" bill occasioned seven Senate cloture votes, more than any other bill had received in U.S. history.



"The statute has worked—and worked well. It has produced a maturity of labor relations and brought about an evolution from labor-management conflict to cooperation that has been vital to our tremendous economic and social progress. It has helped millions of American workers share more fully in the fruits of their own labor with better pay, greater job security, pensions and many other benefits."

From letter of President Gerald R. Ford to Board, October 15, 1975.

AFL-CIO President Meany testifies at House hearing on labor law reform, Sept. 1977, accompanied by Sec.-Treas. Lane Kirkland.

Record Intake, Back Pay

The high-water mark in the NLRB's case intake was fiscal 1980, when it received a record 44,057 unfair labor practice charges and 13,040 election petitions. In the preceding decade, the caseload had risen 71 percent, while agency employment increased just 34 percent.

The intake level tapered off by fiscal 1984 to 34,855 unfair labor practice charges and 7,770 election petitions—the lowest level since fiscal 1974.

Rising steadily during the 1970s was the amount of money collected by the NLRB for American workers who lost earnings as a result of unfair labor practices by employers and unions. A record level was reached in 1980, when back pay totaled an estimated $37 million.

In that decade, two of the biggest back pay settlements in American labor history were approved.

One involved the Kellwood Co. and the International Ladies' Garment Workers Union in 1976, under which 753 workers in Little Rock, Arkansas received $1,500,000 in back pay.

Three years later, American Cyanamid Co. agreed to award $12,000,000 in back pay to 405 Westwego, Louisiana chemical plant workers. They had been unlawfully locked out of their jobs for three years. They were represented by the Oil, Chemical and Atomic Workers International Union.

"As employees, employers, and labor organizations throughout the country celebrate thirty million votes cast by workers in NLRB elections, they give recognition to a proud landmark in the history of our democratic society. I wholeheartedly join in these sentiments."

From letter of President Jimmy Carter to Board, February 14, 1977.

Kellwood worker is happy about her back pay check, Little Rock, Ark., 1976.

After almost a quarter century of litigation, the Board in December 1980 settled one of the most protracted and complex labor disputes in American history by negotiating a $5 million back pay agreement with Milliken & Co., formerly Darlington Mills.

The Board found the company had unlawfully closed a textile mill in Darlington, S.C. in 1956, following an election victory by the Textile Workers. The 1962 decision twice reached the Supreme Court and produced a landmark ruling that a corporation cannot legally shut down one of its plants to discourage unionism at its other plants.

Rivaling the Darlington Mills case in longevity and complexity was the 20-year legal battle between J. P. Stevens & Co. and the Amalgamated Clothing and Textile Workers Union. The NLRB brought the matter to a close in 1983, with a settlement agreement resolving all outstanding unfair labor practice cases among the parties. The dispute had been over unionization of the company's textile plants.

Over its 50 years, back pay collected by the NLRB has totaled almost $350 million.

1

2.

1. Darlington Mills plant, Darlington, S.C., shut down in 1956.

2. American Cyanamid worker R. A. Bonura (second from left) receives nearly $150,000 in back pay and interest under 1980 settlement.

Conducting Elections

Since 1935, the NLRB has conducted some 345,000 elections involving more than 32 million employees. In its first year of operation, it held just 31 elections, compared to approximately 5,200 in fiscal 1984.

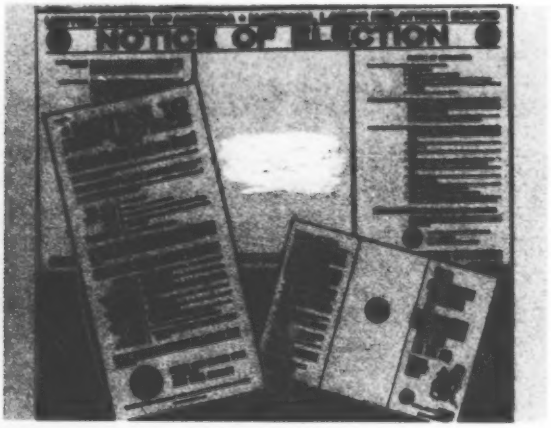
In setting up and running elections, the Board has gone to great lengths to make voting simple and convenient in the 50 states, Puerto Rico and Guam.

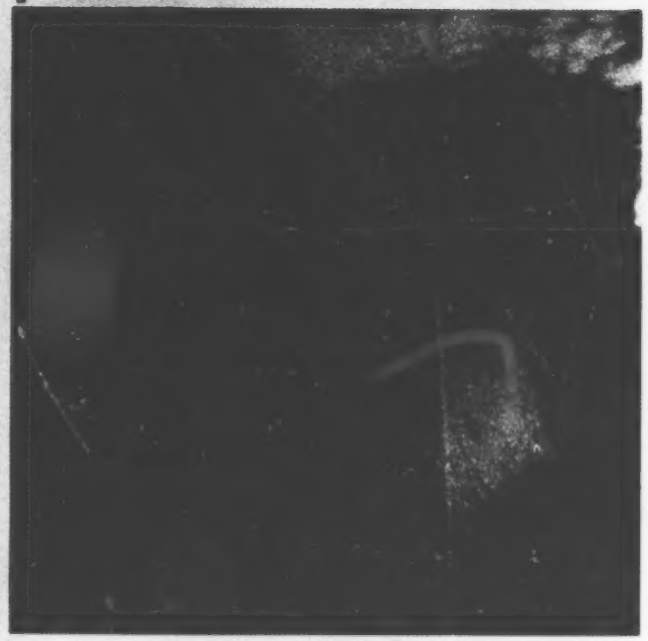
The polling place is brought to the worker—voting booths and boxes have been set up in factories, warehouses and mills, as well as aboard ship, in railroad boxcars, stadiums, movie studios and even a rented circus tent.

The NLRB has conducted elections ranging in size from two-employee units, including one for two grave diggers, to the largest ever held—a War Labor Dispute Act strike vote conducted in December 1945, in which 686,000 steel workers were eligible to vote.

Time taken to conduct balloting has ranged from 15 minutes for many elections to 112 days for one held in 1965 in the maritime industry. In that case, it was necessary to conduct votes on 20 ships three times, due to crew changes in various ports. Seamen voted in the usual ballot box fashion and also by mail as ships docked in the U.S., Japan and the West Indies.

1





2

1. National Maritime Union organizer explains election procedures aboard S.S. Francisco Morazan at port in Seattle, Wash., circa 1940.

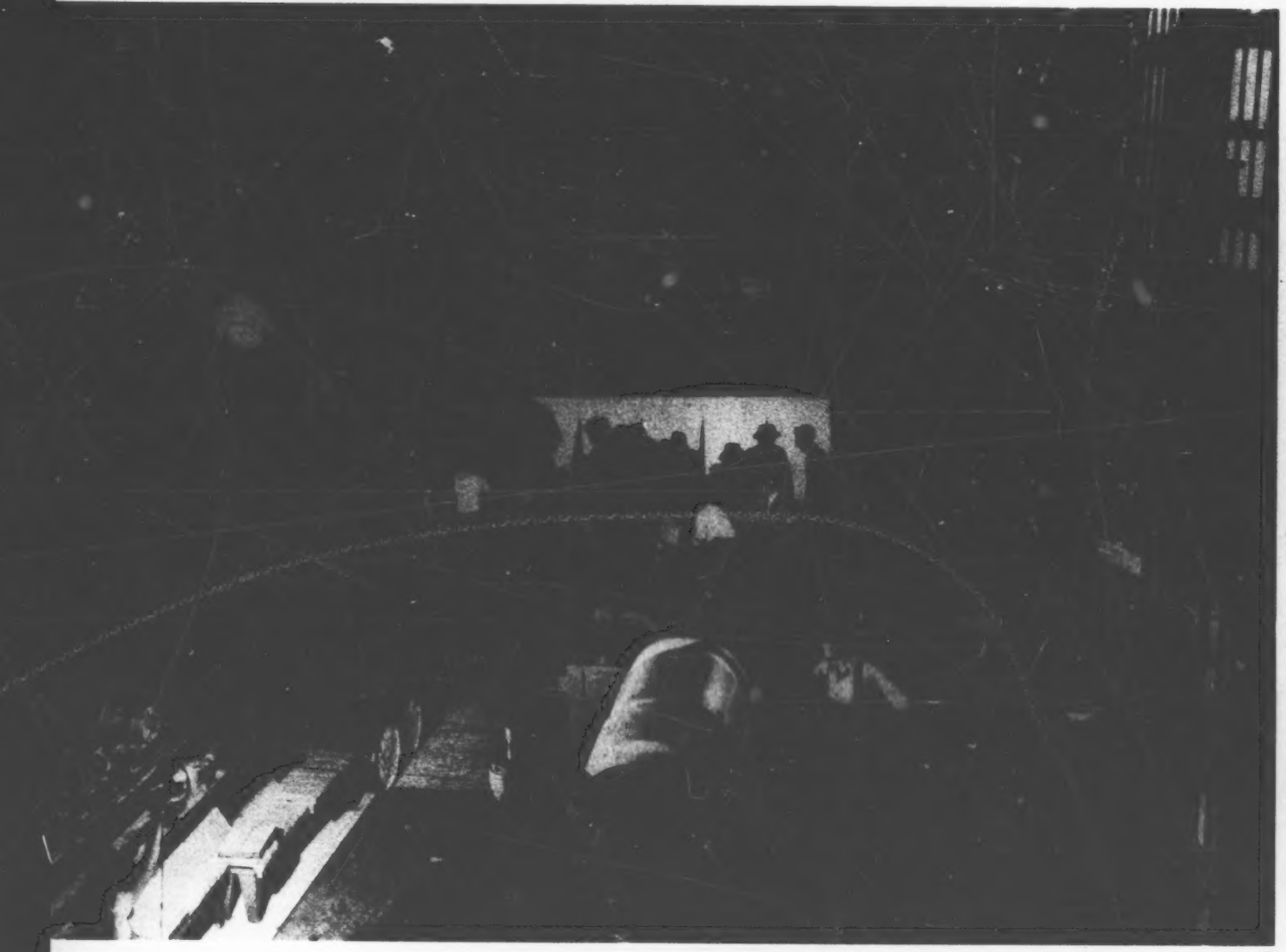
2. NLRB Field Examiner Tom Watson (right) supervises union-shop election at Delco Remy plant of General Motors in Anderson, Ind., February 1950. Voting took place in rented tents set up in cornfield.

Remarkable Elections

The election that presented the most complex problems of planning and deployment of resources was the War Labor Disputes Act election of 1945 in the bituminous coal industry. On short notice, the agency was able to put 2,200 Board agents (experienced regular employees augmented by temporary employees) into 31 states to provide voting facilities to 311,453 eligible workers at more than 2,000 mines. This balloting was accomplished in 22 hours to meet a strike deadline.

The largest single plant election was held in 1941 at the Ford Motor Company's River Rouge plant in Dearborn, Michigan. Sixty polling places were provided for 78,000 eligible employees. Voting was completed in one day.

In recent years, the largest election was held in 1978 at the Newport News Shipbuilding and Dry Dock Company shipyard in Newport News, Virginia, one of the largest in the world. The United Steelworkers won the right to represent the shipyard's 17,000



1

employees.

The most remote NLRB election took place in 1984 on the Island of Tinian, Northern Marianas, some 9,000 miles from Washington headquarters, involving the employees of Micronesian Telecommunications.

2

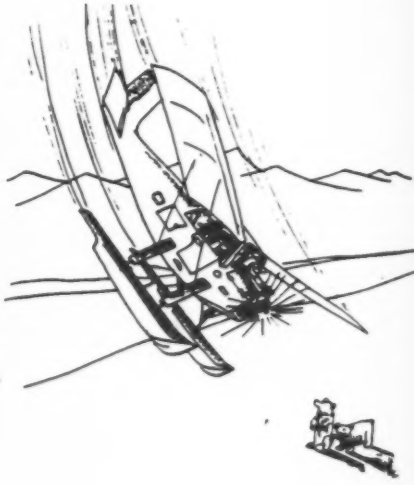
3

1. Ford workers vote in NLRB election at River Rouge plant, Dearborn, Mich., June 1941.

2. Another election at River Rouge, April 1942.

3. Site of most remote NLRB election, Micronesian Telecommunications Co., Island of Tinian, Northern Marianas, 1984.

Adventures of Board Agent Conducting Salmon Canneries Election in Alaska, July-August, 1945



Leave Seattle in July 1945 by boat for the Aleutians aboard the Baranoff, the first commercial transportation after the war technically ended. No radio or other communication, total blackout at night, and nightly boat drills. Arrive False Pass Cannery. An isolated community, it stands starkly alone.

Send three men on to the Bristol Bay area. Send three others to various polling places 200 miles up the coast toward Kodiak. With no commercial transportation, they had to thumb their way on fishing boats out and back.

Glory be, there's the Pacific. Beautiful! Up Cook Inlet and Turnagain Arm into Anchorage. Meet the Bristol Bay boys and stay overnight in Anchorage.

Off to Juneau by plane next morning. The mountains are really something to see on a clear day. We lay plans for canneries in Juneau area.

Send man to Taku, 50 miles away. He's due back the same evening but fails to arrive. He's fogged in. Finally get him out three days later.

Juneau area completed with few incidents. On to Ketchikan, halibut capital of the world. Much of the downtown section built on pilings over the sea. On the side of a mountainous island, one-quarter mile wide up the mountain, and six miles long. Average rainfall over 180 inches. Slimy moss everywhere, including the roofs of houses where, on occasion, trees grow.

Send a man to Hidden Inlet. On the way down the moss-covered plane ramp he slips, falls and disappears into the sea. Fish him out, give him new supplies, and he insists on completing his assignment wet to the skin. Job done, he returns five hours later still wet.

Head for the mess hall on a beautiful, 50-degree morning with the wind off the Pacific. Back to the bunk house one hour later in a blizzard, with the wind off Bering Sea and the temperature down to 25 degrees. All elections here completed and men return.

Had Army contact Anchorage for charter plane. Plane arrives, after a three-day wait because of fog. It's a single motor, pontoon, called a butterfly. Five men including the pilot, and luggage are piled into the two-seater plane. Pilot tries five times to lift off water in two-foot waves before successful. Each wave seemed to shatter the pontoons.

Off to Naknek (King Salmon Airport) 400 miles up Bristol Bay for overnight stop. Pilot sees Kodiak bears which no one else sees. He nose dives *so that we can all see. "Big fellows ain't they," says he. I have yet to see one. My eyes were closed.*

"Mr. Pilot, sir, what is our gliding range?"

"If that engine quits we drop like a stone."

Reassuring!

Next morning in Naknek. Pilot: "Well I guess I can't get anyone else in the plane, so instead of going into Kodiak (over the Valley of Ten Thousand Smokes), we'll just take the hypotenuse into Anchorage."

The hypotenuse goes directly over the Alaska Mountain Range. H-m-m!

Flying through the mountains it appears the wing tips miss the canyon walls by no more than six inches, particularly where the wind is blowing out of a side canyon and we have to head into it and side-slip back to remain in our chosen canyon.

"Mr. Pilot, why don't you go upstairs a little?"

"Don't you see that 'cotton' pressing on our wings now?"

"Well, Mr. Pilot, how do you know that that 'cotton' will not be down the canyon floor further on?"

"Well, it usually isn't."

Usually?

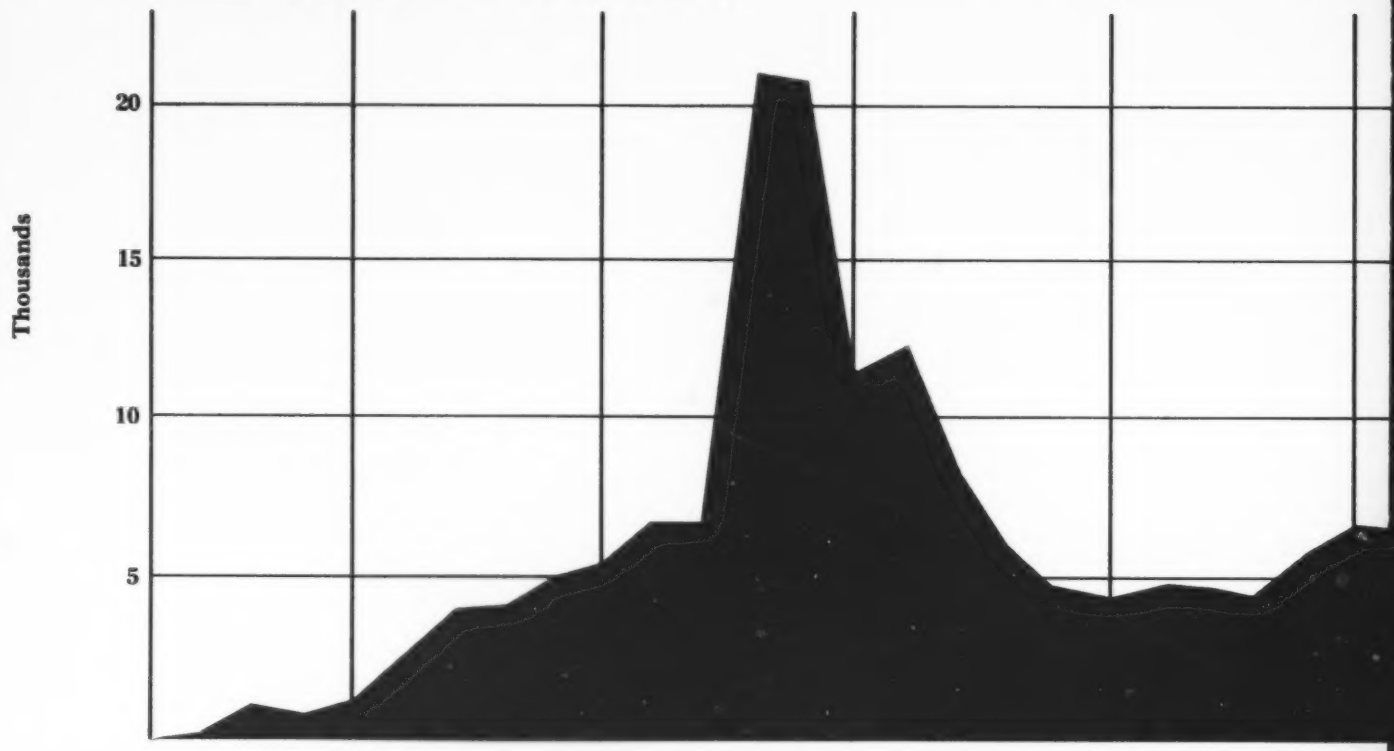
Talk with an Aleut fisherman. He nets $6,000 annually fishing alone from an eight-foot rowboat (no power) and winter trapping. Sends the money into Anchorage where it accumulates. He has no family. Caught a chicken halibut by handline, fried in butter, fresh salt crackers and strong black coffee. Ambrosia!

Send a man to Metlakatla Island, an Indian Reservation. The return plane fails to pick him up although he stood on the beach frantically waving. Standing rule is that no one but Indians may remain on the island overnight. Our man convinced the Indian Council otherwise. He was closely guarded.

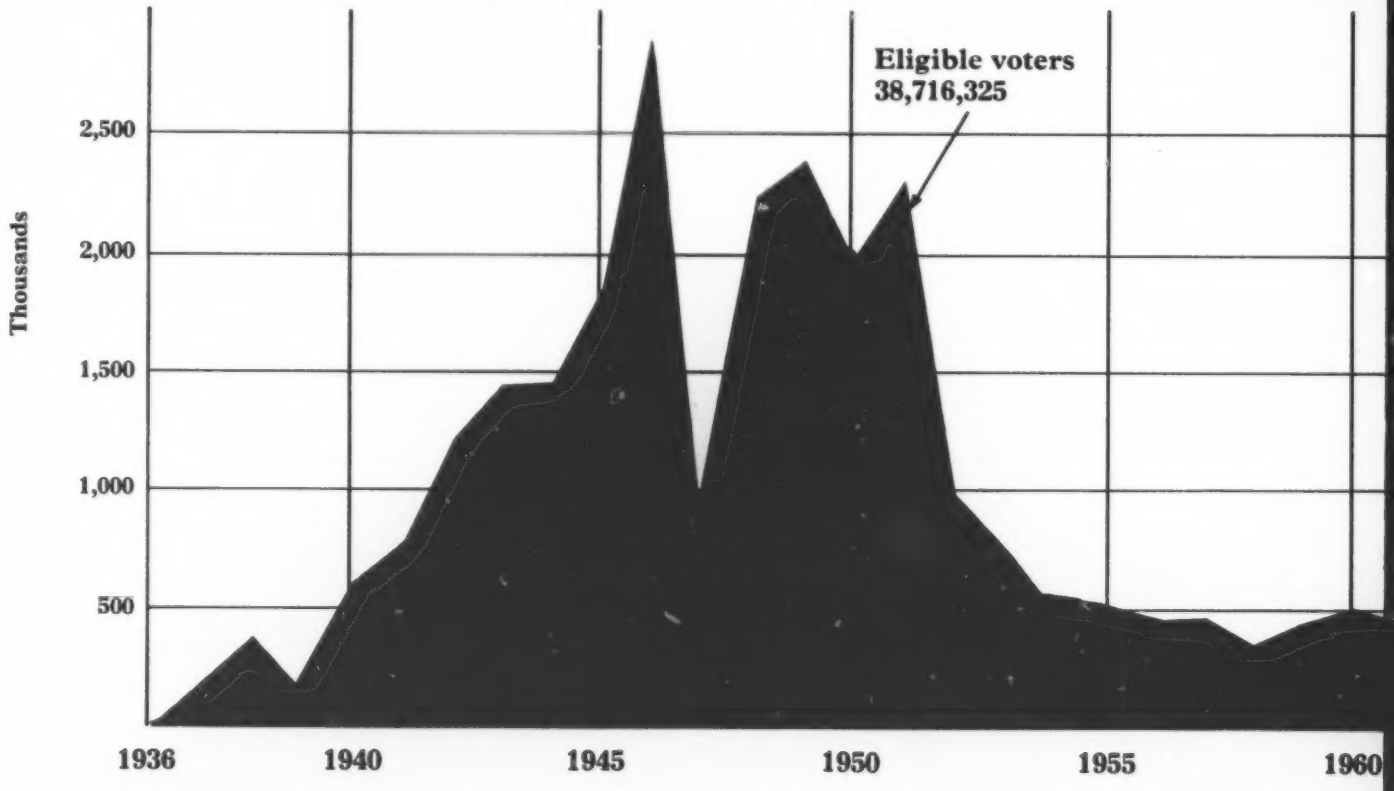
Send a man to Hole in the Wall. Even with heavy fog, pilots brag they can fly their "butterflies" so long as they can see a wing tip—(15 feet?). Plane turning into Hole in the Wall (a canyon) ships water on a wing, flipping the plane over. All safe but bruised. Rescue plane brings them back. Our man wants to go home immediately but he "got back on the horse" the next morning and completed his job.

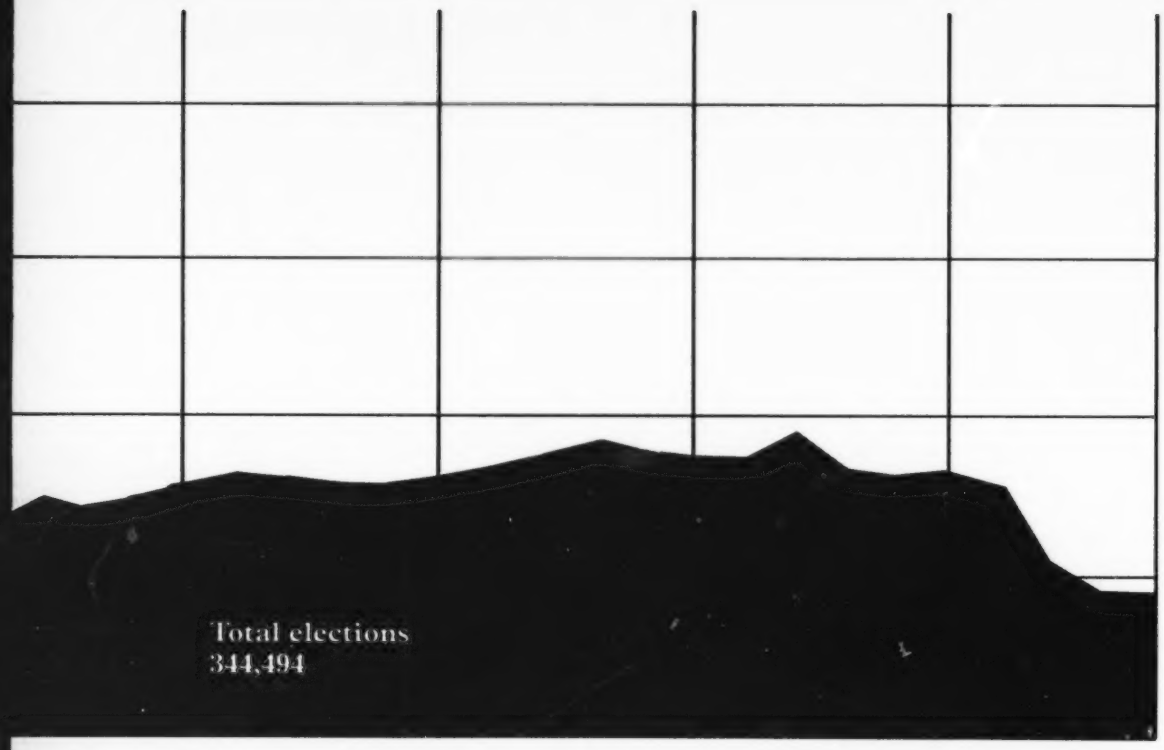
While we relish the experience, we might not choose to repeat it. So here we all are, intact, and enplaning for Seattle after eight weeks spent conducting the Alaska salmon canneries election.

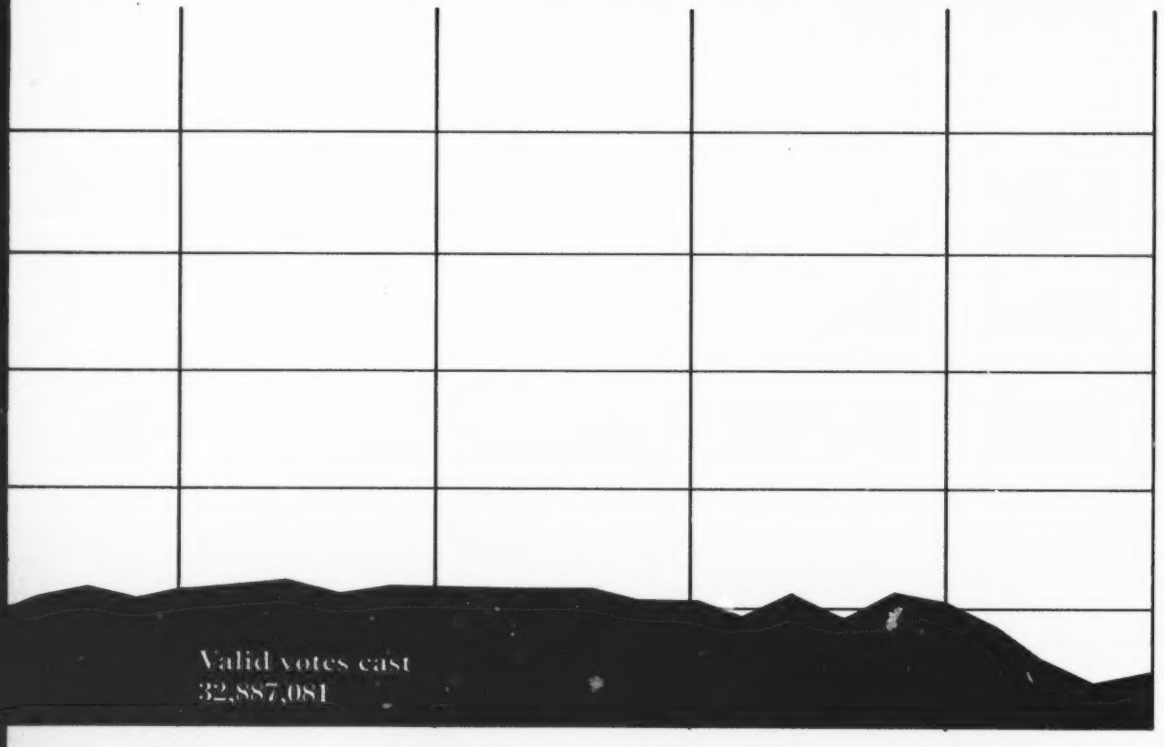
Elections Conducted FY 1936-FY 1984



Eligible Voters and Valid Votes Cast FY 1936-FY 1984



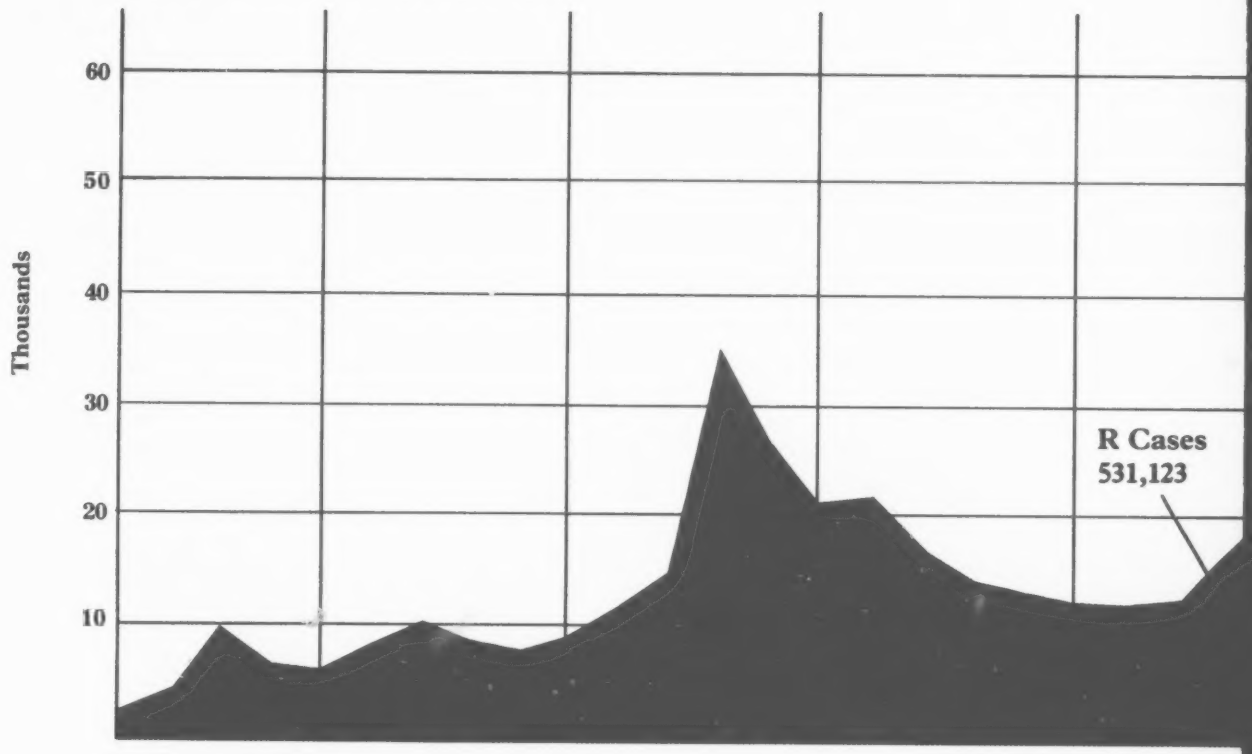




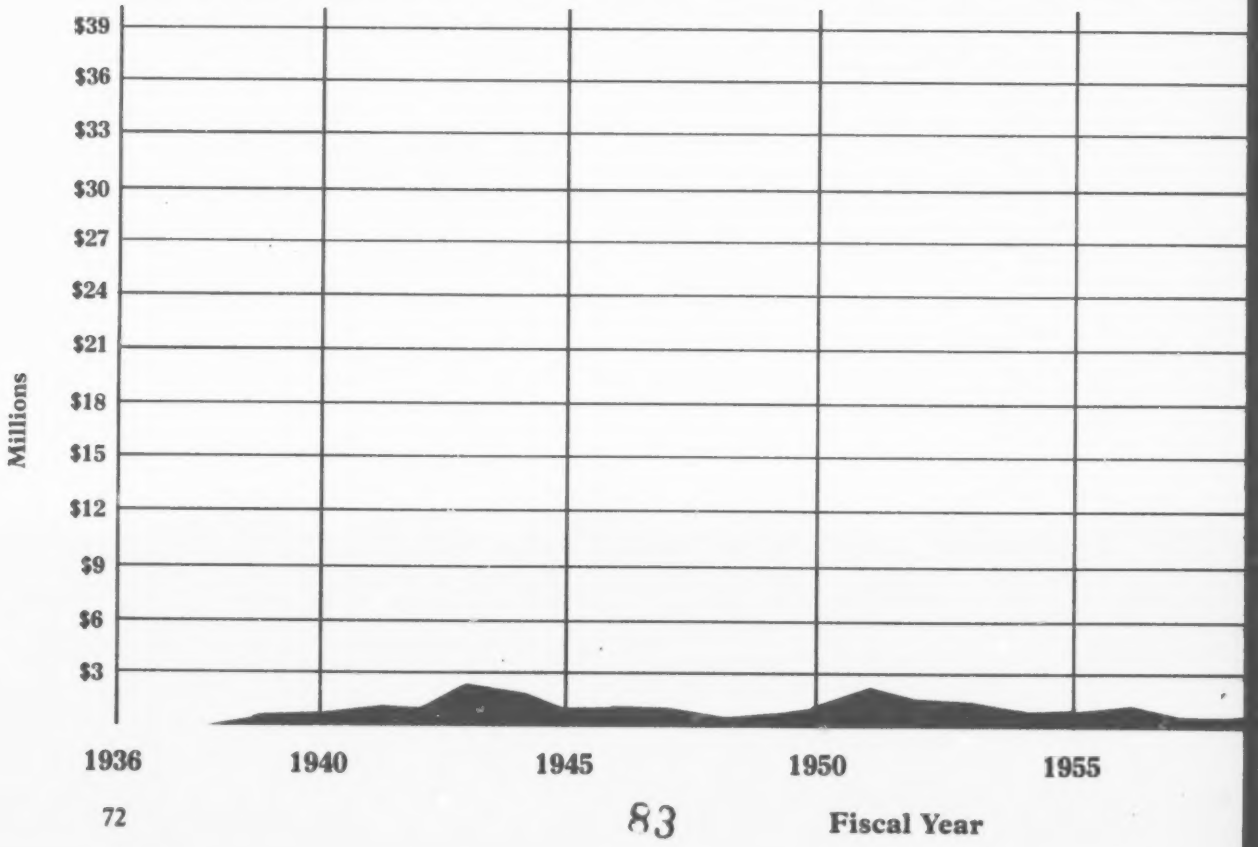
1965 1970 1975 1980 1984

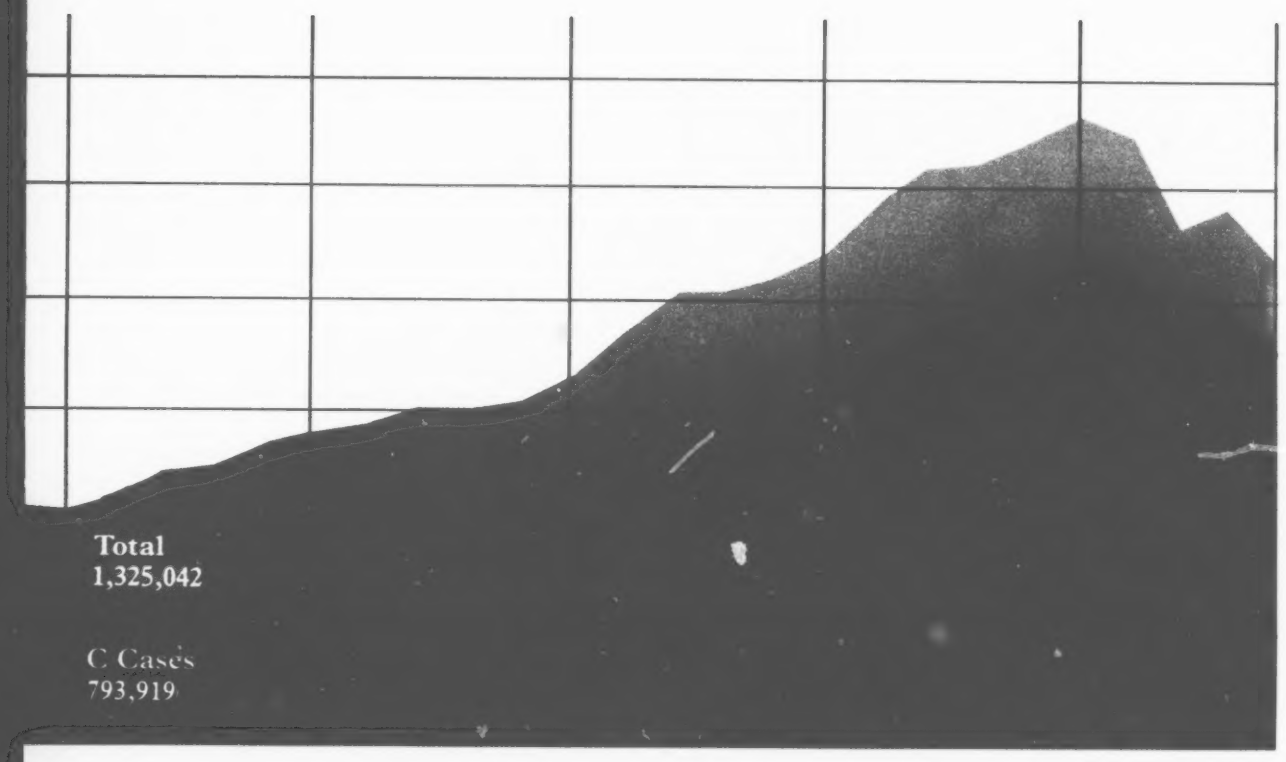
71

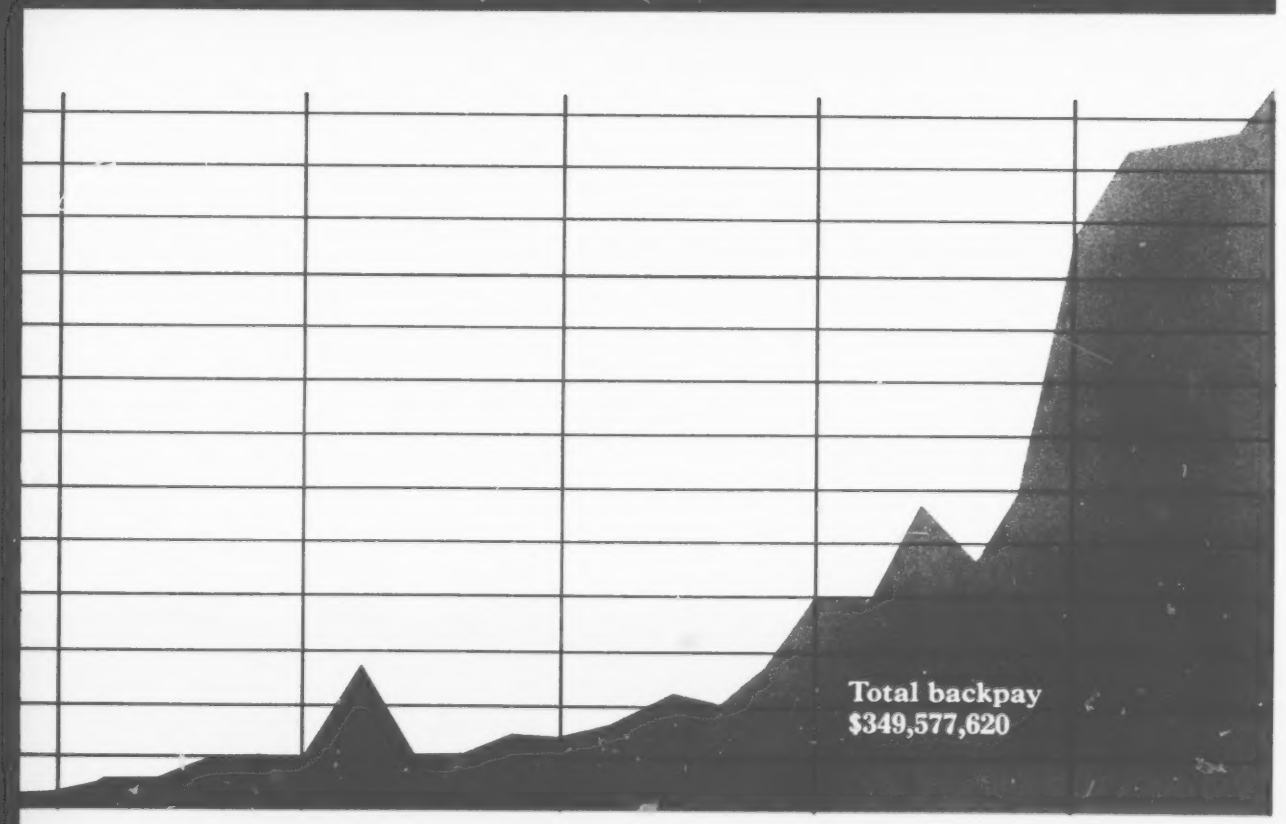
Case Intake FY 1936-FY 1984



Backpay Collected FY 1939-FY 1984*







1960 1965 1970 1975 1980 1984

*Backpay figures are unavailable for FY 1936-1938 and estimated for FY 1982-1984. Amounts include fees, dues, and fines.

Board Chairmen and Members 1935-1970

1935-1940

J. M. Carmody J. W. Madden E. S. Smith

J. Warren Madden
Chairman

E. S. Smith D. W. Smith J. W. Madden

W. M. Leiserson J. W. Madden E. S. Smith

1940-1945

Harry A. Millis
Chairman

G. D. Reilly H.A. Millis J. M. Houston

1945-1953

J. M. Houston P. M. Herzog G. D. Reilly

Paul M. Herzog
Chairman

P. L. Styles J. M. Houston P. Herzog
A. Murdock I. H. Peterson

A. Murdock J. M. Houston P. M. Herzog
J. J. Reynolds, Jr. J. C. Gray

1953-1955

Guy Farmer
Chairman

P. R. Rodgers *A. Murdock* *G. Farmer*
I. H. Peterson *A. C. Beeson*

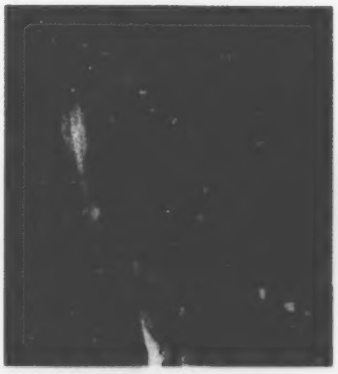
1955-1961

S. S. Bean *J. A. Jenkins*
P. R. Rodgers *B. S. Leedom* *J. H. Fanning*

Boyd S. Leedom
Chairman

J. H. Fanning *P. R. Rodgers* *B. S. Leedom*
J. A. Jenkins *A. A. Kimball*

1961-1970



Frank W. McCulloch
Chairman

H. Jenkins, Jr. *J. H. Fanning* *F. W. McCulloch*
G. A. Brown *S. Zagoria*

1970-1974

Edward B. Miller
Chairman

R. E. Kennedy *J. H. Fanning* *E. B. Miller*
H. Jenkins, Jr. *J. A. Penello*

1975-1977

R. E. Kennedy *J. A. Penello*
J. H. Fanning *B. S. Murphy* *H. Jenkins, Jr.*

Betty Southard Murphy
Chairman

J. A. Penello *J. H. Fanning* *B. S. Murphy*
H. Jenkins, Jr. *P. D. Walther*

1977-1981

B. S. Murphy *H. Jenkins, Jr.* *J. H. Fanning*
J. A. Penello *P. D. Walther*

John H. Fanning
Chairman

H. Jenkins, Jr. *B. S. Murphy* *J. H. Fanning*
J. A. Penello *J. C. Truesdale*

1981-1982

John R. Van de Water
Chairman

D. A. Zimmerman J. H. Fanning
J. R. Van de Water H. Jenkins, Jr. R. P. Hunter

1982-1983

John C. Miller
Chairman

H. Jenkins, Jr. D. A. Zimmerman R. P. Hunter
J. C. Miller

1983-1985

R. P. Hunter P. D. Dennis
H. Jenkins, Jr. D. L. Dotson D. A. Zimmerman

Donald L. Dotson
Chairman

M. B. Babson J. M. Stephens
P. D. Dennis D. L. Dotson W. W. Johansen

1935

Charles Fahy
General Counsel
September 1935-September 1940

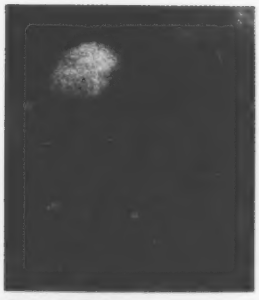
Robert B. Watts
General Counsel
December 1940-January 1944

Alvin J. Rockwell
General Counsel
January 1944-September 1945

David A. Morse
General Counsel
September 1945-June 1946

Gerhard P. Van Arkel
General Counsel
June 1946-July 1947

Robert N. Denham
General Counsel
August 1947-September 1950



George J. Bott
General Counsel
September 1950-December 1954

Theophil C. Kammholz
General Counsel
March 1955-January 1957

Kenneth McGuiness
Acting General Counsel
January 1957-March 1957

Jerome D. Fenton
General Counsel
March 1957-June 1959

Counsels

1985

Rosemary M. Collyer
General Counsel
October 1984-Present

Stuart Rothman
General Counsel
June 1959-May 1963

Arnold Ordman
General Counsel
May 1963-June 1971

Eugene G. Goslee
Acting General Counsel
June 1971-August 1971

Peter G. Nash
General Counsel
August 1971-August 1975

John C. Miller
Acting General Counsel
August 1975-November 1975

John S. Irving
General Counsel
December 1975-October 1979

Norton J. Come
Acting General Counsel
October 1979-December 1979

William A. Lubbers
General Counsel
December 1979-April 1984

Wilford W. Johansen
Acting General Counsel
April 1984-October 1984

Chairmen and Members, 1935-1985

Edwin S. Smith	5 July 1935	27 Aug. 1941
*J. Warren Madden	27 Aug. 1935	26 Aug. 1940
John M. Carmody	4 Sept. 1935	31 Aug. 1936
Donald Wakefield Smith	23 Sept. 1936	31 May 1939
William M. Leiserson	1 June 1939	23 Feb. 1943
*Harry A. Millis	26 Nov. 1940	4 July 1945
Gerard D. Reilly	11 Oct. 1941	26 Aug. 1946
John M. Houston	15 Mar. 1943	27 Aug. 1953
*Paul M. Herzog	5 July 1945	30 June 1953
James J. Reynolds, Jr.	27 Aug. 1946	31 Dec. 1951
Abe Murdoch	1 Aug. 1947	16 Dec. 1957
J. Copeland Gray	1 Aug. 1947	16 Dec. 1949
Paul L. Styles	27 Feb. 1950	31 Aug. 1953
Ivar H. Peterson	21 Mar. 1952	27 Aug. 1956
*Guy Farmer	13 July 1953	27 Aug. 1955
Philip Ray Rodgers	28 Aug. 1953	27 Aug. 1963
Albert C. Beeson	2 Mar. 1954	16 Dec. 1954
*Boyd S. Leedom	4 April 1955	16 Dec. 1964
Stephen S. Bean	1 Dec. 1955	27 Aug. 1960
Joseph Alton Jenkins	28 Mar. 1957	28 Mar. 1961
*John H. Fanning	20 Dec. 1957	16 Dec. 1982
Arthur A. Kimball	13 Sept. 1960	6 Mar. 1961
*Frank W. McCulloch	7 Mar. 1961	27 Aug. 1970
Gerald A. Brown	14 April 1961	27 Aug. 1971
Howard Jenkins, Jr.	28 Aug. 1963	27 Aug. 1983
Sam Zagoria	20 April 1965	16 Dec. 1969
*Edward B. Miller	3 June 1970	16 Dec. 1974
Ralph E. Kennedy	15 Dec. 1970	31 July 1975
John A. Penello	22 Feb. 1972	14 Jan. 1981
*Betty Southard Murphy	18 Feb. 1975	14 Dec. 1979
Peter D. Walther	26 Nov. 1975	31 Aug. 1977
John C. Truesdale	25 Oct. 1977	26 Jan. 1981
Don A. Zimmerman	31 Aug. 1980	16 Dec. 1984
Robert P. Hunter	13 Aug. 1981	27 Aug. 1985
*John R. Van de Water	13 Aug. 1981	17 Dec. 1982
*John C. Miller	27 Dec. 1982	7 Mar. 1983
*Donald L. Dotson	8 Mar. 1983	16 Dec. 1987**
Patricia Diaz Dennis	5 May 1983	24 June 1986**
Wilford W. Johansen	28 May 1985	27 Aug. 1988**
Marshall B. Babson	1 July 1985	16 Dec. 1989**
James M. Stephens	1 Nov. 1985	27 Aug. 1990**

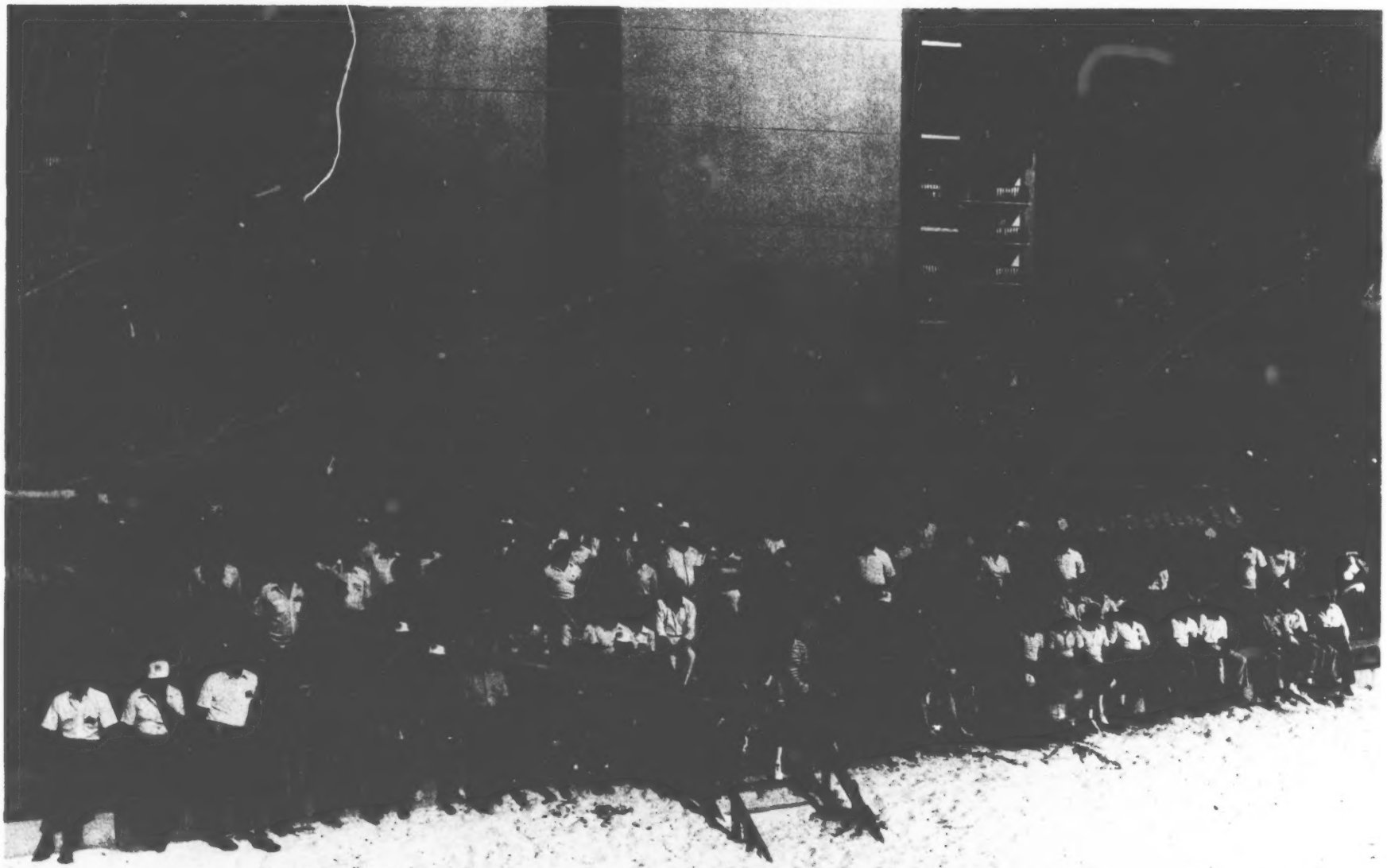
*Chairman
**Term expires

General Counsels, 1935-1985

Charles Fahy	Sept. 1935-Sept. 1940
Robert B. Watts	Dec. 1940-Jan. 1944
Alvin J. Rockwell	Jan. 1944-Sept. 1945
David A. Morse	Sept. 1945-June 1946
Gerhard P. Van Arkel	June 1946-July 1947
Robert N. Denham	Aug. 1947-Sept. 1950
George J. Bott	Sept. 1950-Dec. 1954
Theophil C. Kammholz	Mar. 1955-Jan. 1957
*Kenneth McGuiness	Jan. 1957-Mar. 1957
Jerome D. Fenton	Mar. 1957-June 1959
Stuart Rothman	June 1959-May 1963
Arnold Ordman	May 1963-June 1971
*Eugene G. Goslee	June 1971-Aug. 1971
Peter G. Nash	Aug. 1971-Aug. 1975
*John C. Miller	Aug. 1975-Nov. 1975
John S. Irving	Dec. 1975-Oct. 1979
*Norton J. Come	Oct. 1979-Dec. 1979
William A. Lubbers	Dec. 1979-April 1984
*Wilford W. Johansen	April 1984-Oct. 1984
Rosemary M. Collyer	Oct. 1984-April 1989**

*Acting General Counsel
**Term Expires

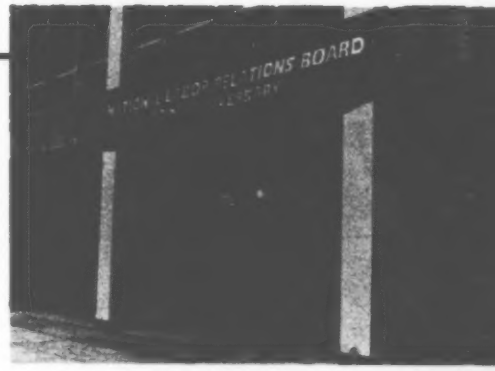
NLRB General Counsels share dais at American Bar Association conference, Washington, D.C., July 1985. From left: John S. Irving, Peter G. Nash, Stuart Rothman, Theophil C. Kammholz, George J. Bott, Rosemary M. Collyer, Arnold Ordman, and William A. Lubbers.



N.L.R.B. REGIONAL MANAGEMENT CONFERENCE
June 2 - 7, 1985.
Clearwater Beach, Florida.

Celebrating 50 Years

The NLRB's 50th birthday was observed at an open house in July 1985 in the Washington headquarters for present and past employees and people who have had dealings with the agency over the years. The regional offices also celebrated with their own functions and festivities.



See back page for photo identifications.

PHOTO IDENTIFICATIONS FOR PAGES 82-83 (LEFT TO RIGHT)

1 Rosemary M. Collyer, General Counsel; Donald L. Dotson, Chairman; Marshall B. Babson, Member.
2 Arnold Perl, NLRB alumnus; Peter D. Walther, former Member; Melvin J. Welles, Chief Administrative Law Judge.
3 Wilford W. Johansen, Member; Frankie Honesty, NLRB alumnus.
4 H. Stephan Gordon, former Associate GC; GC Collyer.
5 Member Johansen; Patricia Diaz Dennis, Member; Robert P. Hunter, former Member; Chairman Dotson; General Counsel Collyer; Member Babson.
6 Susan Kizzie, NLRB employee; Charles Ruttenberg, NLRB attorney.
7 John A. Penello, former Member; Luella Nelson, NLRB attorney; Chairman Dotson.
8 Former Member Hunter.
9 Emma King, Gertrude Wisotzky, NLRB alumni.
10 William Shooer, NLRB alumnus; Donald Salins, NLRB attorney; Eugene Curry, NLRB alumnus.
11 Stuart Rothman, Arnold Ordman, former GCs; A. Norman Somers, former ALJ.
12 GC Collyer; Guy Farmer, former Chairman.
13 Chairman Dotson.
14 John S. Irving, former GC; John E. Higgins, Jr. Deputy GC.
15 Chairman Dotson, GC Collyer.
16 Evan Spelfogle, New York attorney; Don A. Zimmerman, former Member; Member Johansen; John C. Truesdale, Executive Secretary.
17 Former Member Walther; Member Dennis.
18 Gladys Dodge, NLRB alumnus; Member Johansen.
19 John R. Van de Water, former Chairman; Members Johansen, Babson.
20 William A. Lubbers, former GC.
21 Lois Dove, NLRB employee; Richard Wainstein, NLRB attorney.
22 Edward B. Miller, former Chairman; GC Collyer; Chairman Dotson; Members Dennis, Babson.

☆ U. S. GOVERNMENT PRINTING OFFICE : 1986 O - 154-020 : QL 3